

A STONE TABLET INSCRIPTION OF 219 B.C.

Written in the Small Seal Script, perhaps by Li Ssŭ

(See p. 177)

CHINA'S FIRST UNIFIER

A STUDY OF THE CH'IN DYNASTY AS SEEN IN THE LIFE OF

LI SSŬ

李斯

(280? - 208 B.C.)

BY

DERK BODDE, (PH. D., LEYDEN)

38375



931.05
Lis Bod

923.231
Lis/Bo

CENTRAL ARCHAEOLOGICAL
New Delhi
LIBRARY

LEIDEN
E. J. BRILL
1938

Copyright 1938 by E. J. Brill, Leiden, Holland
All rights reserved, including the right to translate or to reproduce this book or parts thereof in any form

Printed in the Netherlands

PREFACE

Many books have been written by western scholars about China's early history and institutions. It is all the more remarkable, therefore, that so little attention has been paid to the vitally important Ch'in dynasty (255—206 B.C.), a dynasty created by a state of the same name in western China, from which our word, 'China', is probably derived. The social, political and economic movements which were inaugurated under this dynasty were so profound and far-reaching that their study should destroy for ever, I hope, the mistaken but persistent belief that in the East nothing changes.

In the following pages I have attempted to trace the development of these movements in some detail, and to connect them with the life of the man who was the outstanding statesman of their time. The year 221 B.C., when Ch'in completed its conquest of the rest of China, may be conveniently taken as the date when most of these movements gained full momentum; yet in case after case I have been forced, in order to make their significance clear, to go back for their beginnings even to periods of centuries before their time. Because of this, it may seem to some that I have devoted an inordinate amount of space to events only indirectly connected with the Ch'in dynasty itself. If this be so, I can only plead in my defence that in China, more perhaps than in any other country, a knowledge of the past is essential for an understanding of the present.

It is for this very reason that I hope that this account of the struggles endured by China more than two thousand years ago, may not be entirely without interest for the general reader who feels sympathetic toward her in her present travail. At the same time, it is my hope that it may also meet the exacting demands of the trained specialist. For the latter's convenience, the Chinese

characters of all Chinese names, places and terms, are given either in the text itself, in the Index, or, in the case of titles of books and the names of their authors, in the Bibliography. When quoting from Chinese sources, I have made full use of the existing translations in western languages, but have not hesitated to modify these when I thought improvement would result.

My thanks are due to a large number of persons who have given me their advice and assistance, both in Peiping, China, where this work was begun, and at the University of Leyden, Holland, where it was brought to completion. To my old friend, Dr. John C. Ferguson, of Peiping, I am much indebted for permission to make use of the photograph which appears as the frontispiece. At the University of Leyden, I am exceedingly grateful to those who have helped to make my work there so enjoyable, particularly Professor N. van Wijk, Professor J. Huizinga and Col. W. van der Poel. Above all, however, my deepest thanks are due to Professor J. J. L. Duyvendak, Director of the Sinologisch Instituut, Leyden, who has devoted untold hours of his time to a careful reading of the manuscript, and who has given unstintingly of his great knowledge in the field of Chinese. It has been indeed a rare pleasure and a privilege for me to have had this opportunity for intimate contact with such a scholar.

I am also most grateful to my aunt and uncle, Dr. and Mrs. J. J. Pigeaud, who have so kindly made their home my own during my stay in Holland. Finally, my thanks go out to my mother and my wife, who sacrificed sorely needed time from other duties, so that they might read the manuscript. To them I owe a debt of gratitude that can never be repaid, and it is to them that this book is dedicated.

Wassenaar, Holland, *D. B.*
January 28, 1938.

CONTENTS

PREFACE v

CHAPTER I

THE STATE OF CH'IN. 1

CHAPTER II

THE BIOGRAPHY OF LI SSŬ IN THE *SHIH CHI* 12

CHAPTER III

OTHER SOURCES FOR THE LIFE OF LI SSŬ. 56
1 The Early Years. 56
2 The Decree for the Expulsion of Aliens 59
3 Li Ssŭ and Han Fei Tzŭ. 62
4 The Unification of China. 77
5 The Burning of the Books 80
6 The Last Years 84
7 A Chronology of the Life of Li Ssŭ and the contemporary events in Ch'in 86

CHAPTER IV

A CRITICAL STUDY OF LI SSŬ'S BIOGRAPHY 89

CHAPTER V

CH'IN SHIH-HUANG-TI AND LI SSŬ 112
1 Ch'in Shih-huang as an Individual. 112
2 Ch'in Shih-huang and Li Ssŭ's Achievements. . . . 121

CHAPTER VI

THE CONCEPT OF EMPIRE. 124

CHAPTER VII

THE ABOLITION OF FEUDALISM 133

CHAPTER VIII

THE UNIFICATION OF WRITING 147

CHAPTER IX

OTHER MEASURES OF LI SSŬ 162
1 The Burning of the Books 162
2 Legal and Economic Measures. 166
3 Li Ssŭ and the Inscriptions of Ch'in Shih-huang . . 175
4 Miscellaneous Measures. 178

CHAPTER X

LI SSŬ'S PHILOSOPHIC BACKGROUND 181
1 Authoritarianism 182
2 Law 191
3 Methods 200
4 Utilitarianism 206
5 The Legalist Concept of History 211
6 Taoism and Legalism 216

CHAPTER XI

TYPES OF REASONING IN LI SSŬ 223

CHAPTER XII

CONCLUSION 233

APPENDIX

THE RISE OF THE *HSIEN* AND *CHÜN* SYSTEMS IN ANCIENT CHINA 238
A. *Hsien* 238
B. *Chün* 243
BIBLIOGRAPHY. 247
INDEX 255

FRONTISPIECE

A STONE TABLET INSCRIPTION OF 219 B.C.
Written in the Small Seal Script, perhaps by Li Ssŭ

CHAPTER I

THE STATE OF CH'IN

Of all the events in China's long and varied history, perhaps none are so full of interest, drama and significance, as those leading to the rise of the petty state of Ch'in from amidst the group of feudal states that formed the China of the Chou dynasty (1122?—256 B.C.). The Ch'in political unification of China, completed in 221 B.C., spelled the downfall of the old feudal system, and established the foundations for a Chinese Empire; foundations which were to last with comparatively little change until the creation of the Chinese Republic in 1912.

The ancient feudal China which Confucius had struggled so hard to preserve, was already falling into decay at the time of his death in 479 B.C. Communications between the feudal states were improving; iron was coming into general use; men's knowledge was expanding; and the rigid division between social classes was disappearing. It was becoming possible for men of even lowly families to rise, through sheer ability, to powerful positions; while on the other hand, many members of the former nobility were losing their privileges and sinking to the level of the common people. The authority of the Chou rulers, living in their capital at what is now Loyang, Honan, had long faded into insignificance, and the real power lay divided among the rulers of a number of large states. These rulers usurped the former royal prerogatives, illegally entitled themselves Kings, and ruthlessly waged war upon one another and upon the lesser states which they gradually absorbed. As their borders expanded, the ancient concept of a personal government, based upon traditional custom, faded, and there arose the beginnings of a new concept of government based upon an impersonal and impartial law. [1]

[1] See pp. 191 f.

The dismemberment of the former state of Chin into the three states of Han, Wei and Chao, [1] begun in 453 B.C. and formally recognized in 403, inaugurated a period appropriately known as that of the Warring States. These three states, together with those of Ch'u, Ch'i and Yen, [2] comprised what are known as the Six States, and during the fourth and third centuries B.C. they struggled fiercely with each other for supremacy. It was a time not only of political, but of intellectual anarchy, in which ideas of every shade could find a hearing. Dozens of different philosophic schools sprang up almost overnight, and thousands of scholars and politicians travelled from state to state, offering state rulers the benefit of advice and intrigues. To many men who looked back sadly upon the past as a golden age of peace and prosperity, the new world seemed to have gone mad indeed; for example, we find the Confucian, Mencius (371?—289?), exclaiming bitterly: "Sage-kings cease to arise, the feudal lords give rein to their lusts, and unemployed scholars indulge in unreasonable discussions." [3]

It was not one of the Six States, however, but the insignificant state of Ch'in, that was fated to bring unity to this disorder and give China a temporary peace. This state was situated in far western China, in what is now Kansu and Shensi, and probably contained a considerable amount of Tartar as well as of purely Chinese blood. [4] For centuries it had been treated by the other states as something apart from the rest of China, a state outside the pale of Chinese culture, so that even as late as 361 B.C., so we are told, Ch'in did not attend the conferences held by the other feudal lords of China, who looked upon it as they did upon the I and Ti barbarians. [5]

[1] Occupying respectively what is now northwestern Honan and eastern Shensi; northern Honan and southwestern Shansi; and southern Hopei, eastern Shansi, and the part of Honan north of the Yellow river.

[2] Occupying respectively the Yangtze basin, and extending north as far as southern Honan and Shensi; the greater part of Shantung; and the northern region around what is now Peiping.

[3] *Mencius,* III*b,* 9.

[4] See Chavannes, *Les Mémoires historiques de Se-ma Ts'ien,* V, 1—2, which is a translation of the first half of the *Shih Chi* (Historical Records), the first great history of China, written by Ssŭ-ma Ch'ien (145 — c. 86 B.C.). The translation of Chavannes will hereafter be referred to as *Mém. hist.*

[5] Barbarian tribes of the east and west of China respectively. See *Mém. hist.,* II, 62.

Almost one century later, in fact, in the year 266 B.C., we find a noble of the state of Wei exclaiming to his king: "Ch'in has the same customs as the Jung and the Ti. [1] It has the heart of a tiger or a wolf. It is avaricious, perverse, eager for profit, and without sincerity. It knows nothing about etiquette (*li* 禮), proper relationships (*i* 義) and virtuous conduct (*te hsing* 德行), and if there be an opportunity for material gain, it will disregard its relatives as if they were animals." [2] This judgment is confirmed by the Confucian, Hsün Tzŭ, who remarked that the people of Ch'in were less observant of the proper conduct between father and son and husband and wife, than were the people of certain other parts of China, because they failed to follow the traditional rules of etiquette (*li*) and the proper relationships (*i*). [3]

Now the mention in these passages of the two terms, *i* 義 and *li* 禮, is especially significant, because for the ancient Chinese, and above all for the Confucians, they, more than anything else, formed the quintessence of Chinese culture; Ch'in, by not having them, therefore lay definitely beyond the pale of civilization. This civilization, for the ancient Chinese, was based primarly on a political and social system of hereditary privilege, closely similar to European feudalism; this explains why such tremendous importance was attached at this time to the *i* and the *li*. The former signified the proper relationships that should exist between the members of a feudal society; the latter were the outward manifestation of these feudal relationships as expressed in social conduct, etiquette and ceremonial. But the state of Ch'in, as we shall see in later chapters, was in many ways completely opposed to feudalism. This is one great reason for the bitter denunciations directed against it from other parts of China, especially by the Confucians, who were the staunch upholders of feudalism.

Though Ch'in was thus in culture and social organization so different from the rest of China, there occurred in 361 B.C. an event that was to throw it into the direct orbit of Chinese politics, make of it a great state, and lead ultimatly to its supremacy over the other states of China. This was the arrival in Ch'in of the

[1] The Jung were barbarian tribes of the north of China.

[2] *Mém. hist.*, V, 179.

[3] *Hsün-tzŭ*, ch. 23 (translation of Dubs, pp. 311—312).

notable statesman, Shang Yang, who soon gained the confidence of the Ch'in ruler. Under his régime a new division of the land, new forms of taxation, and other economic reforms were introduced.[1] Despite Shang Yang's later disgrace and subsequent death in 338 B.C., his reforms were perpetuated with such results that, as we are told in the chapter on geography in the *Ch'ien Han Shu* (History of the Former Han Dynasty), though "the territory of Ch'in comprised one third of the empire, and the number of its people did not exceed three tenths, yet if we were to estimate its wealth, this would be found to amount to sixth tenths."[2]

Ch'in not only gained in wealth and power, however. Its increasing contact with the rest of China, after the time of Shang Yang, is indicated by the fact that in 326 B.C. one of the Chinese sacrificial ceremonies, that of the *la* 臘, was for the first time performed in Ch'in, in order that Ch'in should be like the rest of China.[3] This same process of the infiltration of pure Chinese culture into uncivilized Ch'in is also graphically described in a throne memorial which was written in 237 B.C., and which states: "The beating on earthen jugs, knocking on jars, plucking of the *cheng*, and striking on thigh bones, the while singing and crying 'Wu! Wu!' as a means of delighting the ear and eye: such indeed was the music of Ch'in. . . But today (the people of Ch'in) have done away with this beating on earthen jugs and knocking on jars, and have introduced (the music of) Cheng and Wei."[4]

Meanwhile the Ch'in armies, led by several gifted generals, gained one crushing victory after another over the other feudal states, enabling Ch'in relentlessly to extend its horizontal alliances from the west toward the east, against the vertical north-to-south alliances opposed to it by the other states. In 318 B.C., according to the historical records, the states of Han, Chao, Wei, Yen and Ch'i, were defeated by Ch'in with a loss of 82,000 men; in 312, Ch'u was defeated with a loss of 80,000; in 293, Han and Wei were defeated with a loss of 240,000; and in 274, Wei suffered defeat, with a loss of 150,000.[5] The grimmest touch of all came in

[1] See Duyvendak, *The Book of Lord Shang*, chs. 1 and 2 of the Introduction.

[2] Ch. 28b, pp. 6b—7a.

[3] *Mém. hist.*, II, 70.

[4] See below, pp. 19—20.

[5] *Mém. hist.*, II, 71, 74, 82.

260 B.C., when no less than 400,000 soldiers of the state of Chao, who had surrendered to Ch'in on a promise of safety, were ruthlessly executed. [1]

It is almost certain, however, that these enormous figures are considerably exaggerated. In the first place, it seems hardly possible that such tremendous armies could have been raised from the small population of the China of that time. Secondly, the weapons of warfare were then so primitive that it would have been a physical impossibility to kill such large numbers of men at any one battle. Thirdly, the feeding, transport and direction of such vast armies would at this early period have presented insurmountable problems. Similar numerical exaggerations have been shown to exist in western ancient historical texts. In the case of China, they can probably be explained by one of two hypotheses: (1) either they are the work of Ssŭ-ma Ch'ien and the other historians of later dynasties, who wished in this way to cast execration on the hated Ch'in, whom they regarded as a destroyer of Chinese culture; or (2), they are the work of the Ch'in historians themselves, who wished in this way to glorify Ch'in's achievements. Either hypothesis is favored by the fact that in all the cases given, only the losses of the armies opposing Ch'in, and not those of Ch'in itself, are recorded.

But though the actual numerical figures are probably exaggerations, there can be no doubt that they rpresented large and important victories gained by Ch'in over the other states. Following them, it was a simple matter for Ch'in in 256 B.C. to wipe out the already long impotent Chou rulers, and to establish a new dynasty, that of Ch'in.

But the final goal was reached only later under a man who may be called China's first, and was certainly one of China's greatest, Emperors. This was Ch'in Shih-huang-ti (246—210), who after more than twenty years of relentless warfare and Machiavellian intrigue, succeeded, in 221, in annihilating the last opposing state, and proclaimed himself as ruler over the new universal empire. To reach this final goal, it has been estimated that no less than 1,200,000 men, exclusive of Ch'in's own casualties, were killed or taken prisoner during the terrible wars that marked Ch'in's rise from a petty state (beginning in 361, when Shang Yang first came to Ch'in)

[1] *Mém. hist.*, II, 91.

until the final unification.[1] This figure, however, being based on those which have been given above, shares with them their objections, and so can be accepted only with reserve.

In any case, Ch'in's conquest of the rest of China remains an amazing triumph. What made it possible? Undoubtedly, its position on the far western periphery of ancient China, where, protected by mountain ranges, it could easily descend upon the other states, was a potent advantage. Chia I (198—165 B.C.) points this out very clearly in his noted essay, 'Discussion on the Faults of Ch'in'. "The territory of Ch'in," he says, "was protected by mountains and girdled by the (Yellow) river; this was what gave it its strength. It was a state that had barriers on four sides. From the time of Duke Mu (659—621) downward, to the King of Ch'in (i.e., Ch'in Shih-huang), there have been more than twenty rulers, who were constantly powerful among the feudal lords. How could they have had this talent for generation after generation? (Their success was not owing to this but) it was because of the favoring circumstances of its (i.e., Ch'in's) position."[2]

Another advantage was the military experience which Ch'in had gained through constant campaigns against the barbarian tribes along its frontiers. We read of these campaigns as early as the years 771 and 770 B. C., when Duke Hsiang of Ch'in, as a reward for his services in assisting the House of Chou when the latter was attacked by the Jung tribes, was enfieffed as a regular member of the feudal lords.[3] In 623 Duke Mu, one of the greatest Ch'in rulers, gained a very important victory over the Jung and is said to have annexed no less than twelve of their principalities.[4] These encroachments continued in later reigns, culminating in the seizure, probably in the year 327, of twenty-five walled towns of the Jung, who would seem from this passage to have abandoned their earlier nomadic habits by this time, and to have become, in part, at least, a settled people.[5] Still later, under King Chao-hsiang (306—251), Ch'in constructed a long wall as a protection against another tribe of barbarians, the Hu.[6] The making of this wall constituted one of

[1] See Ma Fei-pai, *Ch'in Han Ching-chi Shih Tzŭ-liao* (Materials contributing toward the Economic History of the Ch'in and Han Dynasties), in *Shih Huo*, vol. 3, no. 3, p. 9.

[2] Quoted in *Mém. hist.*, II, 220.

[3] *Mém. hist.*, II, 14.

[4] *Ibid.*, pp. 44—55.

[5] *Shih Chi*, ch. 110, p. 2a, and *Mém. hist.*, II, 70.

[6] *Shih Chi*, ch. 110, p. 2a.

the first steps in the construction of the famous Great Wall, which was later completed under Ch'in Shih-huang-ti.

As a consequence of these age-long conflicts, the Ch'in people learned to be absolutely ruthless in their warfare. The tribes who opposed them were uncultured nomads who "moved from place to place according to the water and grass, and had no walled cities or towns, settled habitation or agricultural occupation. . . They were without any system of writing, but made contracts and agreements by word of mouth. When even as small children they were able to ride a sheep, they would draw the bow and shoot at birds and rats. . . They knew nothing about the rules of etiquette (*li*) and the proper relationships (*i*). . . Their young and robust ate the best of food, while their aged ate what was left. They valued the robust and the strong, and contemned the aged and the infirm." [1] With such uncultured tribes it was impossible to follow the same rules of politeness and etiquette which governed warfare between the Chinese feudal states of the early part of the Chou dynasty, and which often made of this warfare a spectacle resembling in its ceremoniousness the knightly tournaments held in the European Middle Ages. For Ch'in it was a case of either conquer or be conquered.

The state of Ch'in, as a result, developed a military system which was quite different and more efficient than anything hitherto to be found in China. The details of this system are unfortunately clouded in obscurity, but it is probable that from their nomadic opponents the Ch'in people introduced the use of mobile cavalry into China in place of the clumsy war chariots that had formerly been used. [2] From certain texts, also, we can catch a glimpse of what the Ch'in military organization (in theory, at least) may have been like during the fourth and third centuries B.C. Thus one text tells us that for the defense of a city three different armies were used: one composed of able bodied men for the defence; a second composed of able bodied women used to carry provisions and make the defences; and a third composed of the old and feeble to guard the cattle and horses and collect plants for food. [3] Here indeed was a universal system of conscription such as we today are only approaching!

[1] *Shih Chi*, ch. 110, p. 1a.

[2] See Maspero, *La Chine antique*, pp. 385—386.

[3] See Duyvendak, *The Book of Lord Shang*, pp. 250—251.

Another text, unfortunately exceedingly corrupt, gives us a detailed description of the Ch'in army organization. According to it, the Ch'in army contained an elaborate hierarchy of many ranks, which were dependent, not upon hereditary or feudal position, but upon the number of heads of the enemy that one captured in battle. Soldiers who did not fight to the death received severe punishment. [1]

Thus the fighting machine developed by Ch'in was more relentless, more ruthless and more efficient than anything known in the other feudal states of China proper. Certainly it is true that the very remoteness of Ch'in from the more cultured parts of China, engendered in its people a certain virility and vigor that distinguished them from those of the other states. We read, for example, that King Wu, a Ch'in ruler who delighted in surrounding himself with men of strength, died in 307 B.C. through an injury sustained while competing with another man in lifting a bronze tripod. [2] How different this is from the ideal prince envisioned by Confucius, of whom it is said that "the Master would not discuss prodigies, feats of strength, lawlessness, or the supernatural." [3] It was the very fact that Ch'in was comparatively lacking in culture, that made it all the easier for men like Shang Yang to overthrow what ancient traditions of feudalism there may have been, and to establish certain economic reforms, together with a civil and military organization of machinelike efficiency, which was based upon a new system of political thought known as Legalism (to be described in later chapters). [4]

The orderliness and discipline of the Ch'in people, indeed, was something which could evoke praise from even such an eminent humanist as the Confucian philosopher, Hsün Tzŭ, who has left

[1] See Duyvendak, *op. cit.*, pp. 295—303; also Maspero's review of this book of Duyvendak, in the *Journal asiatique*, vol. 222, Fascicule annexe, Jan.—June, 1933, pp. 53—59.

[2] *Mém. hist.*, II, 76.

[3] *Lun Yü* (Confucian Analects) VII, 20.

[4] But Yen, Chao and Ch'u were also border states. Why then did not one of them gain the final victory? The answer probably is that Yen's population was too small for it to become powerful, and that Chao was weakened by its constant conflicts with its sister states, Han and Wei. As for Ch'u, it was indeed the chief rival of Ch'in and for a long time the struggle between the two was a toss-up. Perhaps Ch'u's more gentle southern climate, and the fact that the aborigines along its borders were less warlike than were Ch'in's nomadic Tartars, were the factors leading to its ultimate downfall.

one of the best contemporary descriptions of the state of Ch'in. A passage in his works describes how, after a visit to Ch'in, which he made perhaps about 264 B.C., [1] he was asked by a noble what he had seen there. He replied: [2]

"Its frontier defences are precipitous, its geographical configurations are advantageous, its mountains, forests, streams and valleys are excellent, and its natural resources are abundant. Thus in its geographical configurations it is outstanding.

"When I entered its frontiers and observed its customs, I saw that its people are simple and unsophisticated. Their music is not corrupting or licentious, and their clothing is not frivolous. They stand in deep awe of their officials, and are people who follow precedent obediently. When I reached the yamens of its cities and towns, I saw that their officials are dignified, and that there are none who are not courteous, temperate, honest, serious, sincere and tolerant. They are worthy officials. [3]

"When I entered the capital and observed its great prefects, as they went forth from their doors and entered the public places, or left the public places and returned to their own homes, I noticed that none of them engage in private business, have partialities, or form cliques. They are high minded, and there are none who do not have understanding of the common welfare. They are worthy great prefects.

"When I observed its court, I noticed that in the hearing of affairs everything was attended to, and yet in a quiet manner as if nothing were going on. It is a worthy court.

"Thus it is no accident, but calculation, which has made (Ch'in) victorious during four generations. This is what I have seen, and therefore it is said that the apogee of good government is one in which there is repose and yet government; a general grasp of the situation and yet a going into details; an obtaining of results and yet an avoidance of bother. Ch'in is like this.

"Nevertheless, it also has disturbing features, Granted that it

[1] For this date, see Ch'ien Mu, *Hsien-Ch'in Chu-tzŭ Hsi-nien* (A linked Chronology of the pre-Ch'in Philosophers), sect. 149.

[2] *Hsün-tzŭ*, ch. 16 (*chüan* 11, pp. 14—15).

[3] The word translated as 'worthy' in this and the final sentences in the two succeeding paragraphs is *ku* 古, literally meaning 'of antiquity'. For a thing or institution to be of or like antiquity, has for most Chinese been sufficient proof of its worthiness and integrity. See below, pp. 211 f.

possesses all of the above characteristics, yet if we compare these with the reputation of a true King, there is no question that they fall far short. Why should this be? It is because it (Ch'in) has almost no Confucians. [1] Therefore it is said that a thoroughgoing (Confucianism) will make a true King; partial (Confucianism) will make a Lord Protector; [2] while when there is not one particle (of Confucianism), there comes disaster. And in this respect Ch'in also falls short."

Yet despite the fact that Ch'in lacked Confucians, and that it failed to produce a single scholar of note, its rulers showed uncommon sagacity in selecting advisers from other states. [3] Among these was the famous Lü Pu-wei, a rich merchant who through his support of one of the Ch'in royal princes, succeeded in making this prince King of Ch'in, and who himself is said to have been the actual father of China's famous unifier, Ch'in Shih-huang-ti. For several years during the early part of Ch'in Shih-huang's reign, Lü Pu-wei was the real ruler of Ch'in, until, becoming involved in a court intrigue, he committed suicide by drinking poison in 235 B.C. [4] Another notable figure to influence Ch'in was Han Fei Tzŭ, the greatest of all the Legalist philosophers, who was enthusiastically received by the Ch'in ruler upon his visit to Ch'in in 233 B.C., only to meet, shortly after, a shameful death. [5]

Of all the advisers, however, the most important was undoubtedly Li Ssŭ, a man who had been a fellow student with Han Fei Tzŭ under Hsün Tzŭ, and who succeeded in carrying into practice the ideas that Han Fei Tzŭ and the other Legalists had long argued for. He held office during the entire reign of Ch'in Shih-huang-ti, and it is really to him, rather than to the latter, that the successful unification of China in 221 B. C. should be primarily attributed. His is also the responsibility for having conceived of the logical

[1] *Ju* 儒, a word which can also be translated more generally as 'literati'.

[2] *Pa* 霸, a term applied to certain of the more powerful of the feudal lords, who during the centuries preceding Confucius, held the hegemony over the other feudal lords and usurped the royal prerogatives.

[3] Besides the men described below, see those mentioned in the throne memorial translated on pp. 15—17.

[4] See his biography in the *Shih Chi*, ch. 85, and below, pp. 61—62.

[5] See pp. 62 f.

last step in that unification: the notorious Burning of the Books in 213 B. C., an act for which he has gained the undying odium of Chinese scholars.

Heaped with honors, Li Ssŭ became second in power only to Ch'in Shih-huang himself. And yet his last days were full of disappointment. After the death of his master, he witnessed the rapid disintegration, under the hands of a weakling ruler and of his unworthy favorite, of the empire he had so painfully built up. Soon Li Ssŭ himself was unjustly accused of sedition, and like his predecessors in Ch'in, such as Shang Yang, Lü Pu-wei and Han Fei Tzŭ, he met a violent death.

But despite the resounding collapse of the Ch'in dynasty, which took place shortly after his death, and which was followed by several years of warfare until the establishment of the Han dynasty in 206 B.C., the reforms which Li Ssŭ inaugurated were to have a lasting effect upon China unto the present day. He remains one of China's greatest statesmen, and his life, which is so full of drama, and which coincides with what were perhaps the greatest formative years of China's history, should have compelling interest for us today. Let us turn, therefore, to his biography in the *Shih Chi,* which is translated in the following chapter, and which gives not only a vivid picture of the man himself, but also of the conditions he was called upon to face.

CHAPTER II

THE BIOGRAPHY OF LI SSŬ IN THE *SHIH CHI*[1]

1*a* Li Ssŭ was a native of Shang-ts'ai[2] in Ch'u. When a young man, he became a petty clark of his district.[3] In the toilet room belonging to his official quarters, he noticed that there were rats that ate the filth, and that the approach of man or dog would repeatedly frighten them. But upon entering the granary, he observed that the rats there were eating the stored up grain. They lived beneath the great side-galleries, and did not evidence any uneasiness from man or dog. Thereupon Li Ssŭ sighed and said: "A man's ability or non-ability is similar to (the condition of) these rats. It merely depends upon where he places himself." He thereupon became a follower of Hsün Ch'ing in studying the methods of emperors and kings.[4]

Upon completing his studies, he judged that the King of Ch'u was of insufficient worth to be served, and that as the Six States were all weak, there were none who would give him the opportunity of performing great deeds (in their service). Hence he wished to go westward to enter Ch'in. Upon taking his departure from Hsün Ch'ing, he said: "I have heard that when one obtains

[1] Ch. 87. Certain portions of this chapter have already been translated, as follows: Li Ssŭ's departure from Hsün Tzŭ (pp. 12—13), and the reference made by him to Hsün Tzŭ during his great feast (pp. 24—25), in J. J. L. Duyvendak, 'The Chronology of Hsün-tzŭ', *T'oung Pao*, 1928, no. 2, pp. 92—94; Li Ssŭ's memorial against the expulsion of aliens (pp. 15—21), in Georges Margouliès, *Le Kou-wen chinois*, pp. 44—49, and (abbreviated) in H. A. Giles, *Gems of Chinese Literature*, 1st ed., pp. 53—55. Shun-yü Yüeh's criticism of the abolition of feudalism, and Li Ssŭ's speech urging the Burning of the Books (pp. 22—24), appear in large part the same in the *Shih Chi*, ch. 6 (*Mém. hist.*, II, 170—171, 174). Certain portions of the biography have been paraphrased in Tschepe, *Histoire du Royaume de Ts'in*, pp. 229—230, 252—253, 284—285, 314—317, 329—330, 356—363.

[2] Corresponding to the present Shang-ts'ai hsien in southeastern Honan.

[3] The text reads 'commandery' (*chün* 郡), but the commentator, Ssŭ-ma Cheng, says that there is one text reading 'district' (*hsiang* 鄉). He also quotes another commentator, Liu Po-chuang 劉伯莊 (seventh century A.D.), as saying that Li Ssŭ had charge of the official documents, but this is rather unlikely for such a young man.

[4] I.e., the methods of government. Hsün Ch'ing was the Confucian philosopher, Hsün Tzŭ.

the opportune moment one should not be tardy. Now is the time when ten thousand chariots are at war, and when the travelling (politicians) control affairs. At present the King of Ch'in desires to swallow up the world and to rule with the title of Emperor. [1] This is the time for the commoners to be busy, and is the golden age of the travelling politicians. One who (at such a time), abiding in a mean position, decides to remain passive, is like a bird or deer that will merely look at meat (but not touch it). But one who possesses a human countenance can act vigorously. [2] Hence there is no greater shame than meanness of position, nor deeper grief than poverty. To remain long in a mean position or in a condition of privation, criticizing the world, despising profit, and committing oneself to the principle of Non-activity [3] — such is not the nature of a gentleman. Therefore I intend to go westward to give counsel to the King of Ch'in."

Arriving in Ch'in just at the death of its King, Chuang-hsiang (249—247), Li Ssŭ sought to become a member of the establishment of the Ch'in Councillor, the Marquis of Wen-hsin, Lü Pu-wei. (Lü) Pu-wei esteemed him and gave him the title of *lang*, [4] and it was in this way that Li Ssŭ obtained speech (with the successor of King Chuang-hsiang). [5]

In advising the King of Ch'in, he said: "The small man is one who throws away his opportunities, whereas great deeds are accomplished through utilizing the mistakes (of others), and inflexibly following them up. Why is it that in ancient times Duke Mu of

[1] *Ti* 帝. On the significance of this title, see ch. 6.

[2] A somewhat similar metaphor occurs in Yang Hsiung's *Fa Yen*, ch. 1, which reads: "As for one who, being a man, does not study, although he may be without regret, how can he be considered equal to a bird?" 人而不學雖無憂如禽何. Ssŭ-ma Cheng also quotes from the *Chuang-tzŭ* a now lost passage which reads: "He who, being a man, does not study, is like one who looks at meat and eats it" 人而不學譬之視肉而食. This does not make good sense, and probably the negative 不 should be added, making the text read: "is like one who looks at meat and does not eat it."

[3] This Non-activity is the famous *wu wei* 無爲 of the Taoists, through which all things are ultimately accomplished.

[4] 郎, a general term for a retainer or follower, though it was also applied to a number of different offices.

[5] I.e., Ch'in Shih-huang, but he did not adopt this title until 221. See p. 124.

Ch'in (659—621), as Lord Protector, did not in the end annex the Six States in the east? It was because the feudal lords were still numerous, and the power of Chou had not yet decayed. Hence the Five Princes who arose one after the other, still continued to honor the House of Chou.[1] But from the time of Duke Hsiao of Ch'in (361—338) onward, the House of Chou has declined, and the feudal lords have been annexing one another's (states). East of the pass[2] lie the Six States, and Ch'in, availing itself of its victories, has now indeed for six generations brought the feudal lords into servitude.

"The feudal lords at the present time are paying allegiance to Ch'in, as if they were its commanderies and prefectures. With Ch'in's might and its great King's ability, (the conquest of the other states would be) like sweeping (the dust) from the top of a kitchen stove. (Ch'in's power) is sufficient to obliterate the feudal
1*b* lords, bring to reality the imperial heritage, and make of the world a single unity. This is the one time of ten thousand generations. If now you are negligent and do not press to a finish, the feudal lords will return to strength, and will combine to form north-to-south alliances against you, so that although you had the ability of the Yellow Emperor,[3] you would be unable to bring them into unity."

The King of Ch'in now conferred upon (Li) Ssŭ the office of Senior Scribe.[4] He listened to his plans, and secretly com-

[1] These five princes successively held the position of Lord Protector or *Pa*, and are usually enumerated as follows: Duke Huan of Ch'i (685—643), Duke Mu of Ch'in (659—621), Duke Hsiang 襄 of Sung (650—637), Duke Wen 文 of Chin (635—628), and King Chuang 莊 of Ch'u (613—591).

[2] I.e., the region comprising present Honan, Shantung, etc., extending east of the Han-ku 函谷 pass, one of the Ch'in strategic barriers, south of Ling-pao 靈寶 hsien in Honan.

[3] Huang Ti 黃帝, a mythical figure perhaps invented by the Taoists to serve as their patron.

[4] *Chang shih* 長史. From the accounts of the Ch'in and Han official systems as given in the *Ch'ien Han Shu*, ch. 19, it seems that the *chang shih* acted as assistants to several of the highest officials in the empire, such as the Grand Councillor, the head of the courts, the chief military generals, and others, and that they were given the considerable income of 1000 *tan* 石. It is therefore uncertain in just which of these various capacities Li Ssŭ was employed. This office was a common one under Ch'in. See *Mém. hist.*, II, 205, 210, etc.

missioned plotters, bearing gold and precious stones, to travel about and advise the feudal lords. They were liberally to reward and thus ally those of the feudal lords and the officers of note whose submission could be won by material lucre; as for those who were unwilling, these were to be stabbed with sharp swords. They were (also) to create rifts in policy between ruler and subject. The King of Ch'in moreover sent his able generals to follow in their rear.

The King of Ch'in had conferred upon (Li) Ssŭ the title of Alien Minister [1] just at the time when a man of Han, named Cheng Kuo, had come to sow dissension in Ch'in by constructing a drainage and irrigation canal. [2] This had already (been completed) when (the plot) was discovered, and the members of the Ch'in royal house and the great dignitaries all spoke to the King of Ch'in, saying: "The men of the feudal lords who come to serve Ch'in are for the most part acting on behalf of their own rulers, and merely travel to Ch'in to sow dissension. We request that there be a complete expulsion of all aliens." Li Ssŭ, whose inclusion among those to be expelled had also been decided upon, thereupon submitted a memorial which said:

"I, your minister, have heard the officials deliberating about the expulsion of aliens. Your unworthy servant considers that this would be a mistake. Of old, when Duke Mu was seeking for officials, he procured Yu Yü from the Jung in the west, [3] and obtained Po-li Hsi from Yüan in the east. [4] He welcomed Chien Shu from Sung, [5] and sought P'ei Pao and Kung-sun Chih from Chin. [6] These five

[1] *K'o ch'ing* 客卿, a title conferred by Ch'in upon advisers employed by it who came from an outside state. It is mentioned in Ch'in circa 266 B.C. (*Shih Chi,* ch. 79, p. 2b), and again in the years 274 and 271 (*Mém. hist.,* II, 87—89).

[2] This event will be explained in detail later. See pp. 59 f.

[3] Yu Yü was sent by the King of the Jung tribes to Ch'in in 626, and through his advice Duke Mu defeated the Jung in 623. See *Mém. hist.,* II, 40—44.

[4] Yüan was a town in the present Nan-yang 南陽 hsien in Honan. Po-li Hsi, having been ransomed for five ram skins from Yüan in 655, where he had been imprisoned, became Duke Mu's chief councillor. See *op. cit.,* pp. 25—28.

[5] Sung was a small state occupying the region east of the present Shang-ch'iu 商丘 in Honan, and west of T'ung-shan 銅山 hsien in Kiangsu. Chien Shu was obtained from Sung in 655, at the advice of Po-li Hsi. See *op. cit.,* pp. 27—28.

[6] P'ei Pao fled from Chin to Ch'in in 651, while Kung-sun Chih is mentioned as Duke Mu's adviser under the year 648. See *op. cit.,* pp. 30—31.

men had not been reared in Ch'in; yet Duke Mu, by using them, united twenty states, and so became Lord Protector over the western Jung. [1]

"Duke Hsiao used the laws of Shang Yang to modify the usages and change the customs. [2] The people thereby became prosperous and flourishing and the state became wealthy and powerful. The clans served with joy, and the feudal lords concluded marriage alliances and offered their allegiance. He captured the armies of Ch'u and Wei [3] and snatched up a territory of one thousand *li*, [4] so that until the present day the government has remained powerful.

"King Hui used the plots of Chang I to seize the territory of San-ch'uan [5] and annex Pa and Shu in the west. [6] In the north he acquired the commandery of Shang [7] and in the south obtained Han-chung. [8] He enveloped the nine I and imposed his rule on

[1] Ssŭ-ma Cheng points out that the number twenty is probably a mistake, for according to the *Shih Chi*, Duke Mu actually conquered only twelve states. See *op. cit.*, pp. 44—45. A mere transposition of the characters is sufficient to change the figure twelve (十二) into the figure twenty (二十).

[2] For an account of Shang Yang's service under Duke Hsiao (361—338), see Duyvendak, *The Book of Lord Shang*, ch. 1, sect. 2, of the Introduction. The text wrongly reads here *hsiao wen* 孝文, but in other editions the text is correctly given as *hsiao kung* 孝公 (Duke Hsiao).

[3] Shang Yang's campaigns against Wei took place in 352 and 340, but there is no record of the campaign against Ch'u. See *Mém. hist., II*, 64—65, 67.

[4] Three *li* 里 are approximately equal to one mile. This territory was offered by Wei to Ch'in as a price for peace in 340, when the Wei capital was shifted eastward to what is now Kaifeng, Honan.

[5] A region around the present town of Jung-yang 滎陽, about half way between Loyang and Kaifeng, in Honan. This seizure was actually made in 308 under the following ruler, King Wu (310—307), whereas Chang I, who was a notable adviser to Ch'in and a travelling politician, had died the year before, 309 B.C. See *Mém. hist.*, II, 75—76.

[6] Pa and Shu were regions in Szechwan. This was actually done by the Ch'in general, Ssŭ-ma Ts'o 司馬錯, against the advice of Chang I, in 316. See *op. cit.*, p. 72, and *Chan Kuo Ts'e* (Plots of the Warring States), *Ch'i Ts'e*, I, 6.

[7] This region, occupying northern Shensi and extending into Suiyuan, was taken from Wei in 328. See *Mém. hist.*, II, 69.

[8] In 312 B.C. See *ibid.*, p. 74. Han-chung was in Nan-cheng 南鄭 hsien in Shensi.

Yen and Ying.[1] In the east he seized the strategic point of Ch'eng-kao[2] and annexed fertile territories. Subsequently he dispersed the north-to-south alliance of the Six States and forced them to face westward and serve Ch'in.[3] His merit has extended down to the present time.

"King Chao, having obtained Fan Sui, suppressed the Marquis of Jang and expelled Hua Yang.[4] He strengthened the Ducal House and blocked up private doors.[5] He made gradual inroads upon the feudal lords, and brought to realization for (the House of) Ch'in the imperial heritage.[6]

"These four rulers have all made use of the signal deeds of aliens. Looked at from this viewpoint, how have aliens been ungrateful to Ch'in? Let us suppose that in the past these four rulers had sent aliens away instead of receiving them, and had discarded these officials instead of employing them. The result would have been that the state would be without the actualities of wealth and profit,

[1] Yen was southwest of the present I-ch'eng 宜城 hsien, and Ying was at the present city of Chi-nan 紀南, north of Chiang-ling 江陵 hsien, both in Hupeh. These two important Ch'u cities, the latter of which was the former Ch'u capital, were actually not captured until 279 and 278 respectively, by the following Ch'in ruler, King Chao. See *op. cit.*, pp. 86—87.

By the nine I, the barbarians of eastern China are usually intended, but the term in the present case is applied through literary license to all the conquests here enumerated.

[2] This strategically important place was northwest of the present Ssŭ-shui 汜水 hsien in Honan. It was actually not captured till 249 B.C. See *op. cit.*, V, 222.

[3] In 318, when Han, Chao, Wei, Yen and Ch'i were defeated, according to tradition, with a loss of 82,000 men. *Op. cit.*, II, 71.

[4] This incident did not redound to the glory of Ch'in, as Li Ssŭ supposed. The Marquis of Jang (better known as Wei Jan 魏冉), a statesman of great ability, who had done much for Ch'in, was the step-brother of King Chao's mother. The Lord of Hua Yang (also known as Shih Yang 葉陽), was the brother of the King's mother. The two were expelled from Ch'in through the intrigues of Fan Sui, a travelling politician who gained complete influence over King Chao. According to the *Shih Chi*, ch. 5, the Marquis of Jang was expelled in 265, and Hua Yang not till 262. See *Mém. hist.*, II, 90 and 91. According to Fan Sui's biography, however (*Shih Chi*, ch. 79), they were both expelled in 266.

[5] I. e., lessened the power of his vassals.

[6] In 256, Ch'in sacked the Chou capital, although it was actually not until 250 that the last Chou ruler was put to death by a later Ch'in ruler, King Chuang-hsiang. See *Mém. hist.*, II, 94 and 97.

and Ch'in would be without the name of power and greatness.[1]

"At present, Your Majesty causes the jade of the K'un mountains[2] to come to him, and possesses the treasures of Sui and Ho.[3] (From his girdle) he hangs pearls brilliant as the moon and wears the T'ai-o sword.[4] He rides Hsien-li horses[5] and puts up banners (decorated with) green phoenixes. He sets up drums (made from the skin) of the 'divine crocodile'.[6] Of these

[1] The apposition made here between 'actuality' (*shih* 實) and 'name' (*ming* 名) is typically Legalistic. See below, pp. 202 f.

[2] I.e., the K'un-lun 崑崙 range in far western China, in what is now Chinghai province.

[3] These were two of the greatest treasures of ancient China. According to tradition, the Sui 隨 treasure was a great pearl that had been presented to the Marquis of Sui (time unknown), by a wounded snake which the Marquis had cured. See the commentary by Kao Yu 高誘 (circa A.D. 200), under the reference to the Sui pearl, in the *Huai-nan-tzŭ*, ch. 6.

The Ho 和 treasure refers to a man of Ch'u, Pien Ho 卞和, who discovered a large piece of jade. Two Ch'u kings, to whom he tried to present the jade, each cut off one of his feet, believing he was trying to deceive them, and it was only the third king, King Wen 文王 (689—675), who recognized it as genuine and rewarded Pien Ho. See the *Han-fei-tzŭ*, ch. 13.

The *Shih Chi*, ch. 81, tells us that this jade was later obtained by the state of Chao. King Hui-wen of Ch'in (337—311), eager to obtain the jade, offered Chao fifteen cities in exchange for it. When the Chao envoy, Lin Hsiang-ju 藺相如, arrived in Ch'in, however, Ch'in seized the jade and refused to hand over the cities. Through his bravery, Lin Hsiang-ju nevertheless succeeded in recovering the Ho jade and returning with it to Chao.

Chang Shou-chieh, in his commentary on the *Shih Chi*, quotes a now lost passage from the *Shuo Yüan*, by Liu Hsiang (77—6 B.C.), stating that Ch'in Shih-huang had later on obtained the Ho jade, and had made the state seal out of it.

[4] 太阿, a notable sword of antiquity, said to have been made for a king of Ch'u by a man of this name. The 'pearls brilliant as the moon' is a reference to the Sui pearl, which is often described in this way.

[5] 纖離, name of one of the six famous horses of antiquity. See the *Hsün-tzŭ* (translation of Dubs, p. 317).

[6] 靈鼉. Cheng Hsüan 鄭玄 (A.D. 127—200), in his commentary on the *Yüeh Ling* 月令 (see the *Li Chi*, Couvreur's translation, I, 367), says: "The skin of the crocodile can be used to cover drums."

numerous treasures, Ch'in does not produce one; why, then, does Your Majesty delight in them?

"If they must needs be products of the state of Ch'in before they become permissible, then these jewels that make bright the night would not ornament the court, and there would be no utensils of rhinoceros horn and ivory as delightful playthings. The women of Cheng and Wei would not fill the rear palaces, [1] and good horses and rapid coursers would not occupy the outer stables. The gold 2a
and tin of Chiang-nan [2] would not find any use, and the cinnabar and blue of western Shu would not be utilized for painted decoration. [3] If those things which ornament the rear palaces, fill the lower ranks (of the palace women), divert the mind and delight the ear and eye, must needs be produced in Ch'in before they become permissible; then the hairpins decorated with Yüan pearls, [4] the ear buckles of long pearls, the woven clothing of O, [5] and embroidery decorations, could not be presented before you; while the women of Chao, agreeably adapting themselves to fit every custom, beautiful, gracious and elegant, would not stand at your side.

"Now the beating on earthen jugs, knocking on jars, plucking of the *cheng*, [6] and striking on thigh bones, the while singing and crying 'Wu! Wu!' as a means of delighting the ear an eye: such indeed was the music of Ch'in. The Sang-chien of Cheng and Wei, the Shao of Yü, and the Wu and the Hsiang are the music of other

[1] Which were the women's quarters. The small states of Cheng and Wei 鄭衛 (an ancient state to be kept distinct from the politically more important one, Wei 魏, of the Warring States period), were famed for the beauty of their women.

[2] A general term for the region south of the Yangtze river.

[3] The words *tan* 丹 (cinnabar) and *ch'ing* 青 (blue), combined into one term, have in later times been used to designate painting as a fine art. Their occurrence here is therefore significant, as it tends to confirm the archaeological evidence concerning the existence of painting in Han and pre-Han times.

[4] This is probably another reference to the pearl of Sui, for Yüan, a place sixty *li* south of the present Ching-men 荊門 hsien in Hupeh, was not far from the petty state of Sui.

[5] 阿, a city east of what is now Yang-ku 陽穀 hsien, Shantung, which was noted for its cloth goods.

[6] 箏, a guitar of twelve or thirteen strings.

states.[1] But today (the people of Ch'in) have done away with this beating on earthen jugs and knocking on jars, and have introduced (the music of) Cheng and Wei. They refuse to pluck the *cheng* and accept instead the Shao of Yü. Why is this so? It is simply that whatever pleases us we must have before us, and that (these are the things that) meet our taste.

"Yet when at the present time it comes to selecting men, this is not the case. Without asking whether they will do or not, and without discussing whether they be deceitful or not, persons not of Ch'in are to be sent away and aliens are to be expelled. This being the case, it is feminine charms, music, pearls and jade that are held as weighty, whereas human beings are esteemed lightly. Such is not the policy by which to straddle (what lies) within the seas and to rule over the feudal lords.

"I, your minister, have heard it said that it is in the extensive land that grain is abundant, and in the large state that the people are numerous. When the weapons are strong, then the soldiers will be courageous. This is why Mount T'ai[2] does not reject the dust (which blows upon it), and so is able to attain its greatness, and why the Yellow river and the sea do not make preference between the tiny rivulets, and so are able to attain their deepness. (In like manner) a King does not repulse the masses of the people, and so is able to make his power illustrious.[3] This is why (when such a

[1] Sang-chien, meaning 'amidst the mulberry trees', was the name of a spot along the P'u 濮 river, which is in the region of Yen-ching 延津 hsien and Ku 滑 hsien, in Honan (the region formerly occupied by the states of Cheng and Wei). The music of these states was considered licentious, so that the *Li Chi* (Book of Rites), ch. 17, tells us: "The music of Cheng and Wei is that of a disordered age. . . The music of Sang-chien, on the bank of the Pu, is that of a country about to be destroyed." See Couvreur's translation, II, 49. Yü was the name of the territory of the sage Emperor, Shun. The Wu was the music of King Wu, and the Hsiang that of King Wen, founders of the Chou dynasty. The Shao was the music of Shun. (The text reads *chao* 昭, which was the name of a little state where the *shao* 韶 music was retained, and is hence used interchangeably with the latter.) Confucius highly praised the Shao, but was more doubtful concerning the Wu of King Wu. See *Lun Yü*, III, 25.

[2] The noted sacred mountain, T'ai Shan, in Shantung.

[3] These are common metaphors of the time, and also appear in the *Chuang-tzŭ* (translation of Giles, p. 326), *Han-fei-tzŭ* (ch. 29), *Kuan-tzŭ* (ch. 64), *Huai-nan-tzŭ* (ch. 20), etc. The expression, 明其德 (to make

ruler exists), the earth has no four quarters, the people have no foreign countries, the four seasons are prosperous and beautiful, and spiritual beings bestow their blessings. This (is the way) in which the Five Emperors and Three Kings had no equals. [1]

"But now you throw away your people, thus enlarging the enemy states. You send away outsiders so that they may serve the feudal lords. And you cause the gentlemen of the world to retire without daring to face westwards, and to halt their feet without entering Ch'in. This is what is known as offering weapons to brigands and presenting provisions to robbers. [2]

"Now there are many articles not produced in Ch'in and yet valuable, and numerous gentlemen who have not been reared in Ch'in and are yet desirous of being loyal. If at present you expel aliens so as to give increment to opposing states, and decrease your people so as to make addition to the enemy, then you will find yourself depopulated at home and will have established (sowers of) enmity against you among the feudal lords abroad. Should you then wish to have the country without danger, you could not obtain it."

The King of Ch'in thereupon removed the order for the expulsion of aliens and returned Li Ssŭ to office. [3] Unto the end he used his counsels, and his office was advanced to that of Minister of Justice (*t'ing wei* 廷尉). After more than twenty years the world was finally united. [4] The King was honored by becoming Sovereign Emperor (*huang ti* 皇帝), and he made Li Ssŭ his Grand Coun-

his power illustrious), forms an interesting parallel to the opening sentence of the *Ta Hsüeh* (Great Learning), which reads: 大學之道在明明德, and which is translated by Legge as: "What the Great Learning teaches, is: to illustrate illustrious virtue."

[1] The five legendary Emperors are enumerated by the *Shih Chi* as: Huang Ti, Chuan Hsü 顓頊, Ti Ku 帝嚳, Yao and Shun. The Three Kings are: Yü, founder of the Hsia dynasty; T'ang, founder of the Shang dynasty; and Kings Wen and Wu, the Chou dynasty founders, grouped together as one.

[2] This saying also occurs in the *Chan Kuo Ts'e* (*Ch'in Ts'e,* III, 9), and in the *Shih Chi,* ch. 79, p. 2b.

[3] The commentator, P'ei Yin, quotes from a now lost passage of Liu Hsiang's *Hsin Hsü,* stating that Li Ssŭ was already on his way out of the country when his memorial reached the King, who recalled him.

[4] Actually it was only seventeen years from the order for the expulsion of aliens, which was made in 237 (see below, pp. 59 f.), to the final unification of the empire in 221.

cillor (*ch'eng hsiang* 丞相). He established commanderies, prefectures and townships, and melted up the weapons of these, with a view that they should not again be used (against Ch'in). He caused Ch'in to be without a single foot of territory of feudal investiture, and did not establish his sons and younger brothers as Kings; but meritorious ministers were made nobles. This was done to ensure that later on there should be none of the miseries of warfare.

In the thirty-fourth year of Shih-huang (213 B.C.), while a feast was being held in the palace at Hsien-yang,[1] a scholar of wide learning,[2] the *p'u-yeh,*[3] Chou Ch'ing-ch'en, together with others, extolled Shih-huang upon his majesty and virtue. (Thereupon) a native of Ch'i, Shun-Yü Yüeh, advanced to remonstrate, saying:

"Your servant has heard that the reason why the Yin and Chou kings (held the empire) for more than a thousand years, was because they gave fiefs to their sons, younger brothers and meritorious ministers, as branches and supporting props to themselves. At present Your Majesty possesses all within the seas, yet his sons and younger brothers remain common men. If eventually there should occur such disasters as those of T'ien Ch'ang or of the Six High Dignitaries,[4] and your subjects were without means of assistance, how could they save you? Of affairs which, unless modelled on antiquity, can endure for long, I have never heard. At present (Chou) Ch'ing-ch'en,[5] together with his associates, nevertheless flatters you to your face, thus aggravating Your Majesty's error. Such are not loyal subjects."

Shih-huang submitted this criticism to the Grand Councillor. The

[1] The Ch'in capital, near the present city of Sian in Shensi.

[2] *Po shih* 博士, an honorary title applied to scholars. There were seventy of them under Ch'in Shih-huang. See below, p. 83.

[3] 僕射, originally an official employed in overseeing archery contests, but under the Ch'in the title came to be applied to officials of middle rank regardless of their specific duties. See *Mém. hist.,* V, 517.

[4] T'ien Ch'ang was a noble of Ch'i, who in 481 murdered the Ch'i ruler and usurped the throne. The Six High Dignitaries were hereditary ministers who struggled with one another for the control of the state of Chin, and three of whom, in 403 B.C., divided it into Han, Chao and Wei.

[5] In the text this name is wrongly transposed as (Chou) Ch'en-ch'ing, but it is correctly given in other editions.

Grand Councillor, (Li Ssŭ,) regarded this advice as misleading and rejected its expressions. He thereupon submitted a memorial which said:

"Of old, the empire was scattered and in confusion, and there was none able to unite it into one. Therefore the feudal lords all became active together, and in their discussions they harped on the past so as to injure the present, and made a display of empty words so as to confuse the truth. Men valued what they had themselves privately studied, thus casting into disrepute what their superiors had established.

"At present Your Majesty possesses a unified empire, has laid down the distinctions of right and wrong,[1] and has consolidated for himself a single (position of) eminence. Yet there are those who with their private teachings mutually abet each other, and 2b who discredit the decrees (*chih* 制) of laws and instructions. When they hear orders promulgated, they criticize them in the light of their own teachings. Within (the court) they mentally discredit them, and outside they criticize them upon the streets. To cast disrepute on their ruler they regard as a thing worthy of fame; to accept[2] different views they regard as high (conduct); and they lead the people to create slander. If such conditions are not prohibited, the imperial power[3] will decline above, and partizanships will form below. It is expedient that these be prohibited.

"Your servant requests that all persons possessing works of literature, the *Shih* 詩, the *Shu* 書,[4] and the discussions of the various philosophers, should destroy them with remission of all penalty.[5] These who have not destroyed them within thirty

[1] Lit., 'of black and white'.

[2] Reading 趣 as 取, according to the reading in *Shih Chi*, ch. 6 (*Mém. hist.*, II, 172).

[3] *Shih* 勢, a Legalist term, on which see below, pp. 89 f.

[4] These were respectively the collections of poems and of historical documents which later during the Han dynasty were collected and edited to form what have since been known as the *Shih Ching* (Book of Odes) and *Shu Ching* (Book of History).

[5] 蠲除 has the meaning here of 'to remit a penalty'. Here and in the following lines I have translated the word *ch'ü* 去, which ordinarily means 'to reject', 'to repudiate', etc., as 'destroy', for the following reasons: (1) The

days after the issuing of the order, are to be branded and sent to do forced labor.[1] Books not to be destroyed will be those on medicine and pharmacy, divination by the tortoise and milfoil, and agriculture and arboriculture. As for persons who wish to study, let them take the officials as their teachers."[2]

Shih-huang approved this recommendation. The confiscation and destruction of the *Shih,* the *Shu,* and the discussions of the various philosophers, done for the purpose of making the people ignorant, and of bringing it about that none within the empire should use the past to discredit the present; the clarification of the laws and the fixation of the regulations: all this began with Shih-huang.[3] He made the systems of writing uniform, established palaces and country villas, and extensively travelled throughout the empire. In the next year he again made a tour of inspection, and expelled the four I tribes beyond (the borders).[4] In all these affairs (Li) Ssŭ exerted himself.

(Li) Ssŭ's eldest son, Yu, became Administrator of San-ch'uan, and all (Li's) sons became allied with the daughters of the Ch'in royal family, while his daughters all became affianced with the princes of the House of Ch'in. On the occasion when the Administrator of San-ch'uan, Li Yu, announced his return to Hsien-yang, Li Ssŭ held a feast at his home. The heads of the various offices all came before him to wish him long life, and the chariots and horse-men

parallel text in *Shih Chi,* ch. 6 (see below, p. 83) reads *shao* 燒 ('to burn'), in place of *ch'ü,* which would hence seem by analogy to mean 'to destroy' here. (2) There are other texts in which the word *ch'ü* is used in such a way as to show that it becomes a technical term when referring to the destruction of literary records. See *Mencius,* V*b,* 2 (quoted below on p. 163), where Legge translates *ch'ü* as 'done away with'. See also *Mém. hist.,* II, 180, where Ch'in Shih-huang says: "Formerly I received all the books in the empire. . . and entirely destroyed (*ch'ü*) them." Chavannes there translates *ch'ü* as 'supprimés'.

[1] 城旦. For explanation of this term, see *Mém. hist.,* II, 173, note 2.

[2] Han Fei Tzŭ has a very similar saying: "In the state of an intelligent ruler, there is no literature of books and bamboo tablets, but the law is the only doctrine; there are no sayings of the early kings, but the officials are the only models." See Duyvendak, *The Book of Lord Shang,* pp. 125—126.

[3] It is quite unusual for Ssŭ-ma Ch'ien to interpolate his narrative with a personal opinion, as he does here, and this instance is noteworthy inasmuch as it forms part of the deliberate attempts which have been made by Ssŭ-ma Ch'ien and other later writers to discredit the acts of the Ch'in dynasty.

[4] This would be in 212 B.C., but there is no record of these events under that year in *Shih Chi,* ch. 6.

at his door could be counted by the thousand. Li Ssŭ, heaving a sigh, exclaimed: "Alas! I have heard Hsün Ch'ing say, 'Things should not be allowed to become too flourishing.' [1] I was a commoner of Shang-ts'ai, an ordinary man from the village. The Emperor did not realize that his nag was inferior, and so finally promoted me to this (position). Among the ministerial posts of the present time, there is none higher than mine, which may indeed be called the peak of wealth and honor. But when things have reached their peak they decline. I do not yet know where I shall unharness." [2]

In the tenth month of the thirty-seventh year of Shih-huang, [3] (the Emperor) made a tour to Kuei-chi, [4] then along the border of the sea, and northward to Lang-ya. [5] The Grand Councillor, Li Ssŭ, and Chao Kao, Keeper of the Chariots, who was concurrently in charge of the sending of letters and of sealed orders, accompanied him. [6]

Shih-huang had more than twenty sons, of whom the eldest, Fu-su, because he had several times frankly remonstrated with His Majesty, was sent by the latter to oversee the soldiers at the commandery of Shang, of which Meng T'ien was the commandant. [7]

[1] This saying does not occur in the present *Hsün-tzŭ*, but there is a similar saying in the *Mo-tzŭ*, ch. 1: "Great prosperity is difficult to preserve" 大盛難守也.

[2] I.e., what the final outcome will be. This concept of the inevitable rise and fall of all things, is one of the most persistent in Chinese thought, and finds frequent expression in the *Book of Changes*.

[3] This was actually still in 211, though the year as a whole corresponds to 210. The *Shih Chi*, ch. 6, adds: 'On the day *kuei-ch'ou*', which corresponds to November 1, 211. See *Mém. hist.*, II, 184, and note 5.

[4] Region named after a mountain of the same name in the southeast of Shao-hsing 紹興 hsien in Chekiang.

[5] On the south coast of Shantung, not far from where the Shantung peninsula joins the mainland.

[6] Only on p. 48 do we learn that this infamous man, who was responsible for the downfall of the Ch'in dynasty, was a eunuch. The *Shih Chi*, ch. 88, tells us that his brothers were all eunuchs as well, and that his mother had suffered execution, followed by exposure of her corpse on the market-place. In his commentary on the above chapter, Ssŭ-ma Cheng explains that Chao Kao's father had committed a crime, for which he was punished by castration, and that Chao Kao's mother, who then became a slave, later had illicit relations through which she bore her sons, all of whom were made eunuchs.

[7] See below, pp. 116—118. Meng T'ien was one of the most notable of the Ch'in generals, and had charge of the building of the Great Wall. See his biography in the *Shih Chi*, ch. 88.

The youngest son, Hu-hai, was the one (Shih-huang) loved,[1] and when he begged to accompany him, His Majesty granted him permission. None of the other sons, however, accompanied (the expedition).

In the seventh month of this year, when Shih-huang-ti arrived at Sha-ch'iu, he fell severely ill.[2] He commanded Chao Kao to write a letter to be sent to Fu-su, saying: "With the soldiers belonging to Meng T'ien, accompany my funeral cortege to Hsien-yang, and bury me there." The letter was already sealed, but had not yet been delivered to the messenger, when Shih-huang died. The letter and the imperial seal were at that time both in the quarters of Chao Kao. Only the son, Hu-hai, the Grand Councillor, Li Ssŭ, and Chao Kao, together with five or six of the favorite eunuchs, knew that Shih-huang had died, and none of the other officials knew about it.

Because the Emperor had died outside (of the capital), and because there was no definite crown prince,[3] Li Ssŭ concealed the matter and pretended[4] that Shih-huang was keeping to his sleeping chariot. The various officials continued to submit their affairs, and (a pretence was kept up that) the Emperor ate food as before. The eunuchs who directly accompanied the sleeping chariot, (pretended to transmit the royal) approval on the affairs that were submitted.

Chao Kao, using the fact that he had retained the letter and seal which were to have been sent to Fu-su, spoke to Prince Hu-hai, saying: "The Emperor has died, without giving instructions as to the enfieffing of his sons as Kings, and has only given a letter for

[1] According to P'ei Yin, Hu-hai was actually only the eighteenth son of Shih-huang, and had brothers yet younger than himself. See also p. 49, where Li Ssŭ twice speaks of Hu-hai's 'elder and younger brothers'.

[2] This was July 22 to August 19, 210 B.C. The apparent paradox of the seventh month following the tenth, mentioned two paragraphs above, is explained by the fact that the Ch'in calendar began with the tenth month of the old Chou calendar, while at the same time retaining the Chou nomenclature. Hence what was actually the first month of the Ch'in calendar, was called the tenth, and so on. Sha-ch'iu was northeast of the present P'ing-hsiang 平鄉 hsien in Hopei.

[3] The eldest son, Fu-su, being in exile, as just recounted.

[4] This rather unusual meaning of the word *chih* 置, which ordinarily signifies 'to set up', 'to establish', seems to be required by the sense of the sentence, in which *chih* assumes the meaning of 'to make out to be', i.e., 'to pretend'.

his eldest son. When this eldest son arrives, he will become established as Sovereign Emperor, while you will remain without a foot or inch of territory. What are you going to do about this?"

Hu-hai replied: "I have certainly heard that the intelligent ruler knows his subjects, and the intelligent father knows his sons. If my father has departed this life without enfieffing his sons, what can I say about it?"

"Not so," said Chao Kao. "At the present time the salvation or ruin of the empire depend only upon you, myself, and the Grand Councillor. I beg you to consider this. Moreover, when it comes to making others one's subjects, or being the subject of others; ruling over others, or being ruled over by others, how can the two be discussed in the same breath?"

Hu-hai said: "To remove an elder brother and establish a younger one, is contrary to what is right. Not to transmit a father's edict, being afraid of death, is against the duties of a son.[1] When one's ability is limited and one's talents shallow, to make forcible use of other men's achievements is to be lacking in ability. These three acts are the very opposite of (a ruler's) proper qualifications (*te* 德), and the empire would not submit to them. I myself would fall into peril, and the spirits of the soil and grain would not accept my sacrifices."[2]

(Chao) Kao said: "Your servant has heard that when T'ang and Wu assassinated their rulers, the empire called them righteous and did not consider them disloyal.[3] The Prince of Wei murdered his father, and the state of Wei recorded his virtue, while Confucius made note of him and did not consider him unfilial.[4] Great conduct

[1] The meaning here is that the elder brother, Fu-su, if he once reached the throne, would probably put to death his younger brother, Hu-hai, as a dangerous rival.

[2] Each state in ancient China was presided over by its own deities of the soil and grain, which could be sacrificed to only by the ruling house. Such sacrifice was thus synonymous with keeping possession of the state.

[3] T'ang (1783?—1754?) did not actually murder, but exiled the tyrant Chieh, and thus founded the Shang dynasty. King Wu (1156?—1117?), by forcing the tyrant Chou to commit suicide, became founder of the Chou dynasty.

[4] No such event is recorded in the history of Wei 衞. Liang Yü-sheng, in his *Shih-chi Chih-i,* suggests that the passage refers to Duke Wu 武公 of Wei (812—758), who murdered his elder brother while the latter was at the tomb of his father, and thus gained the throne. This is improbable, how-

does not consist in petty caution, nor does admirable virtue lie in polite refusal. Each village has its own propriety, and in the various
3a offices merit is not acquired in the same way.[1] Therefore if you pay attention to what is small and forget what is great, later, harm must result. If you are hesitating and uncertain, later must result regret. But one who is decisive and dares to act, him even spiritual beings avoid,[2] so that eventually he accomplishes something of merit. I beg you to agree with this."

Hu-hai heaved a sigh and exclaimed: "At present the great event has not yet been revealed, and the mourning rites have not come to a conclusion. How would it be proper to approach the Grand Councillor in this matter?"

Chao Kao said: "(Now) is the time! (Now) is the time! By remaining idle we shall not attain to our plans. We have abundant provisions and swift horses, and need only fear to fall behind the proper time."

After Hu-hai had given his approval to (Chao) Kao's words, the latter continued: "If we do not make plans with the Grand Councillor, I fear lest the business may not succeed. I request to deliberate on your behalf with the Grand Councillor myself."

(Chao) Kao then spoke to the Grand Councillor, saying: "The Emperor has died, leaving a letter with orders for his eldest son to accompany the funeral cortege to Hsien-yang, and establish himself as his successor. The letter, however, has not yet gone, and at present there is none who knows of the Emperor's death. The letter for the eldest son, together with the imperial seal, are both

ever, since the whole point of Chao Kao's argument is to refute Hu-hai's statement that the displacement of his brother would be against the duties of a son to his father. Neither speaker mentions that by such conduct Hu-hai would show lack of fraternal love to his brother. Furthermore, the whole event passes unmentioned in the *Lun Yü*, as we now know it.

Another hypothesis that has occurred to me is that the passage refers to Duke Ch'u 出公 of Wei (reigned 492—480, and again 476—470), who in 493 seized the power in Wei in place of his father, the later Duke Chuang 莊公, who had been in exile since his attempt to murder the notorious Nan Tzŭ 南子, Duke Chuang's adulterous stepmother. See *Mém. hist.*, IV, 205—206. Confucius disapproved, rather than approved, of the son's conduct, however. See *Lun Yü*, VII, 14; XIII, 3.

[1] I.e., the conduct of the individual cannot always follow the usual standards of conduct.

[2] I.e., stand in awe of.

in Hu-hai's quarters.[1] The decision as to who is to be Crown Prince depends upon the say of Your Lordship and of myself. What is to be done in the matter?"

(Li) Ssŭ said: "How can you speak words that would destroy the state? This is not a fit affair for subjects to discuss."

(Chao) Kao replied: "If Your Lordship will make an estimate of ability, who compares with Meng T'ien? In worthiness, who compares with Meng T'ien? In the making of far reaching and unfailing plans, who compares with Meng T'ien? In freedom from the resentment of the empire, who compares with Meng T'ien? In enjoying the intimacy and trust of the eldest son, who compares with Meng T'ien?"

"In all these five respects," replied (Li) Ssŭ, "I indeed do not come up to Meng T'ien. How deeply, sir, do you reprove me!"

(Chao) Kao said: "I am indeed but a menial of the inner offices, who through the writings of his pen[2] has been fortunate to obtain entry into the Ch'in palace. I have conducted affairs for more than twenty years, and have not yet seen a Grand Councillor or meritorious minister whom Ch'in had dismissed and who has retained his feudal investiture down to the second generation. All have eventually died by execution.

"You, sir, are acquainted with all of the twenty odd sons of the Sovereign Emperor. The eldest son is firm, resolute, warlike and courageous. He is a sincere man and a spirited gentleman, and when he succeeds to the throne it is inevitable that he will use Meng T'ien as his Grand Councillor. Hence it is evident that Your Lordship will not possess an entire lifetime your seal as Marquis of the highest rank,[3] but will some day be returning to your village.

[1] Actually they were in Chao Kao's own quarters. See above, p. 26. But Chao Kao makes this statement in order the more easily to gain Li Ssŭ's acquiescence to the plot.

[2] Lit., 'of knife and brush'. In ancient times a knife was used to scratch out words and make corrections. The term is usually applied to a criminal judge.

[3] Lit., *t'ung hou* 通侯. The word *t'ung* was during the Han dynasty used in place of the word *ch'e* 徹, because of the taboo on the latter word, which occurred in the personal name of the Han ruler, Wu-ti. The title of *ch'e hou* 徹侯 was the highest in the Ch'in honorary hierarchy. See *Mém. hist.*, II, 529—530.

"When I received the order to instruct Hu-hai, I had him study legalistic matters for a number of years, but I have never seen him commit an error. He is kind, human-hearted, sincere and liberal. He regards wealth lightly, and esteems gentlemen deeply. He is discriminating in mind, but compliant in speech. He is the fullest exemplification of good manners, and a courteous gentleman. Among the sons of the House of Ch'in, none is equal to this one. He may properly become the successor. Consider the matter, sir, and decide it."

(Li) Ssŭ replied: "Return, sir, to your position. I have received our (late) monarch's decree, and listen obediently to the Will of Heaven. What doubts can there be as to what should be decided?"

(Chao) Kao said: "What is secure may become perilous, and what is perilous may become secure. If what are secure and perilous is not decided upon, what means is there of honoring the Sages?"

(Li) Ssŭ replied: "I was but a commoner of the lanes and byways of Shang-ts'ai, who through the imperial favor have attained to the position of Grand Councillor, and been ennobled as Marquis of the highest rank. My sons and grandsons all hold the most honorable positions and greatest revenues. Therefore the measures pertaining to the salvation or the ruin (of the dynasty), its security or peril, have fallen upon me. How then can I turn my back (upon my duty)? For the loyal subject does not hope to reach perfection while shunning death, nor does the filial son take heed of peril while he is exerting himself. Each subject should simply keep to his own duties. Do not repeat your words, sir, for you would be causing me to do evil."

"And yet," (Chao) Kao replied, "I have heard that the Sage shifts his course without having an infallible rule. He accords with changes and follows the time.[1] When he sees the branches, he knows their root, and when he observes the finger he sees where it points. Things (all) certainly have (this law of change). How can there be unchanging rules (for conduct)?

"At the present moment the fate of the empire hangs on Hu-hai, and I am able to have my way with him. Moreover, from without to regulate what is central, may be called a delusion; from below to regulate what is above, may be called injurious. For with the descent of autumn dew, plants and flowers wither, while with the

[1] The text reads *chiu* 就 (to accord with), but some editions read *lung* 龍 (dragon), which makes much poorer sense.

stirring of the (spring) waters, all things become active.[1] This is an invariable law, and why, sir, are you so slow in seeing it?"

(Li) Ssŭ said: "I have heard that when Chin changed its crown prince, for three generations there was no peace.[2] Huan of Ch'i contested for the throne with his brother, and his body when he died was desecrated.[3] When Chou killed his relative and did not listen to those who remonstrated, the country became a desert waste, and finally its altars of the soil and grain fell into danger.[4] These three affairs were contrary to Heaven, and in the ancestral temples (the spirits) did not accept the sacrifices. (If I were to do as you wish,) I should be like these men. (With their example before me,) how can I make plots?"

(Chao) Kao said: "When superior and inferior are harmonious, they may endure for long. When the internal and the external are like one, affairs are without (the distinction of) outer and inner. If you, sir, will listen to my plan, you will long hold your title as a marquis, and for generation on generation (your descendants) will

[1] That is, things change according to the circumstances that affect them, and therefore one should strive to gain a commanding and central position from which one can control these circumstances.

[2] This refers to Duke Hsien 獻公 of Chin (676—652), whose rightful heir was displaced by Hsi Ch'i 奚齊, another son born to Duke Hsien through a favorite concubine. Hsi Ch'i, and a third son of Duke Hsien who followed Hsi Ch'i on the throne, were both murdered in the course of a single year (651 B.C.). Duke Hui 惠公, a fourth son of Duke Hsien, then ruled for fourteen years (650—637), but in 636 Duke Hui's son, who followed Duke Hui, was executed by Duke Wen 文公, still a fifth son of the original Duke Hsien, who then ruled from 635—628.

[3] Duke Huan of Ch'i (685—643) gained the throne of Ch'i (which had been left vacant by the murder of the preceding ruler in 686), only after a struggle with his own brother, which ended with the latter's execution. After a glorious reign, Duke Huan's own death in 643 was the signal for a furious struggle between his several sons, which raged for two months, during which time the corpse of Duke Huan was unattended to. By the time of the funeral, worms were seen crawling out of the room in which the corpse rested, and the condition of the body was so horrible that its dressing could be done only at night.

[4] Chou (1154?—1123?), infamous last ruler of the Shang dynasty, according to tradition cut open the heart of his kinsman, Pi Kan, to discover, as he said, whether a sage's heart has seven orifices. He was later overthrown by the founder of the Chou dynasty.

designate themselves as 'The Orphan',[1] and will surely have the longevity of a stately pine, and the wisdom of a Confucius or a Mo.[2] But now if you renounce this plan and do not follow it, disaster will overtake your descendants, sufficient to chill your heart. He who is skilful makes good fortune out of disaster. What, sir, is your position?"

(Li) Ssŭ then looked up to Heaven and groaned. Dropping some tears, he exclaimed with a great sigh: "Alas! Since I alone, (of all my line,) should encounter this unsettled age, if I cannot bring myself to die, on what am I to rely for life?" After this (Li) Ssŭ listened to (Chao) Kao.

The latter now reported to Hu-hai, saying: "I requested to transmit the illustrious decree of (you), the Crown Prince, and announce it to the Grand Councillor. How would the Grand Councillor, (Li) Ssŭ, dare to disobey the order?"

3b Having (all three) deliberated together, they thereupon pretended that they had received an edict from Shih-huang, ordering the Grand Councillor to establish the son, Hu-hai, as Crown Prince. They composed a letter as a substitute (to the former one) to be sent to the eldest son, Fu-su, which said: "We (i.e., the Emperor, Shih-huang) have traversed the empire, and have sacrificed to the divinities of the famous mountains, in order to prolong our life.[3] At the present time Fu-su stays with the army Commandant, Meng T'ien, who for more than ten years has had charge of several hundred thousands of troops along the military posts of the frontier. There he (i.e., Fu-su) has been unable to come before us (with news of) his advance, and many soldiers have been destroyed, without the winning of a foot or inch (of territory). But he has been repeatedly sending frankly worded letters, speaking evil of what we have been doing. Because he has not obtained his return (from exile) as Crown Prince, day and night he has viewed us with resentment.

[1] *Ku* 孤, a title used by kings and nobles in self designation when speaking to their subjects, for it is characteristic of a ruler that his father is dead.

[2] Mo Tzŭ (c. 479—c. 381), the famed exponent of the doctrine of universal love, whose philosophical school was for several centuries the chief rival of Confucianism.

[3] Ch'in Shih-huang was deeply influenced by the Taoist magicians of his time, and made many attempts during his travels to obtain the elixir of immortality. See pp. 115 f.

"As a son, Fu-su has been unfilial, and herewith is presented with a sword with which he may cut short his existence. The Commandant of the army, (Meng) T'ien, who has been staying with Fu-su along the outer frontiers, has been lacking in rectitude, and it is fitting that we should have become acquainted with his plots. As a subject he has not been loyal, and so it is hereby granted to him to die. As for his soldiers, let them be attached to Lieutenant-General Wang Li." [1]

They sealed the letter with the imperial seal, and commissioned one of Hu-hai's followers to take the letter and give it to Fu-su in the commandery of Shang. When the emissary arrived and produced the letter, Fu-su wept and entered his inner apartment, wishing to kill himself. But Meng T'ien stopped Fu-su, saying: "When His Majesty lived outside (the capital) and had not yet established a Crown Prince, he employed me to command a host of three hundred thousand to protect the frontier, and you, his son, to be Overseer. This is a weighty responsibility in the empire, and yet now, upon the coming of a single emissary, you are about to kill yourself. How do you know that this is not a trickery? I beg of you to send back a request (for confirmation of this letter). If after sending back the request you should then die, it would not be too late. The emissary will hasten the message."

Fu-su was a man of true virtue and said to Meng T'ien: "When a father allows his son to die, how can there be any question about sending back a request?" With this he killed himself. Meng T'ien was unwilling to die, however, so that the emissary had him, together with his retaining officers, imprisoned at Yang-chou. [2]

When the emissary returned and made his report, Hu-hai, (Li) Ssŭ and (Chao) Kao were greatly delighted. Having arrived at Hsien-yang, they proclaimed the mourning. The (new) Crown Prince

[1] A Ch'in general who was later captured by the rebel, Hsiang Yü, in 207, when the Ch'in dynasty collapsed.

[2] A city in the north of the present An-ting 安定 hsien in Shansi. The enmity shown by Chao Kao toward Meng T'ien throughout this affair, and the way in which he incited Li Ssŭ against Meng T'ien, finds its explanation in the *Shih Chi*, ch. 88, in which it is stated that Chao Kao, having once committed some crime, had been condemned by Meng I, Meng T'ien's brother, to death, from which fate he had been saved only by a special pardon from Ch'in Shih-huang.

was established (on the throne) as Erh-shih-huang-ti, [1] and he made Chao Kao his Palace Chamberlain, so that the latter constantly waited upon him on matters within (the palace).

When Erh-shih was once taking his ease, he summoned (Chao) Kao to discuss matters with him, and said during the course of the conversation: "Man's life in this world is but an instant; it is like the pressing onward of six chargers which instantaneously pass by a crack (in a wall). Now that I govern the empire, I desire everything which the ear and eye enjoys, and the utmost of whatever my heart's desire delights in. Thus shall I bring repose to my ancestral temple and give pleasure to the myriad clans. (But at the same time I wish) long to hold the empire, and to bring my span of years to a natural conclusion. Is such a course possible?"

"Such," replied (Chao) Kao, "is what the capable ruler is able to pursue, but is forbidden to the confused and disordered ruler. I beg to speak out, without daring to avoid execution from the ax. [2] I am anxious that Your Majesty pause a little in his ideas. For indeed all the princes and great ministers are suspicious about the consultations at Sha-ch'iu. [3] At the same time every one of the princes is an older brother of Your Majesty, [4] besides which the great ministers are men who were established by the former Emperor. At present Your Majesty has just been enthroned, for which reason they are dissatisfied in their attachment. None of them pays allegiance, and they may, I fear, make some disturbance.

"Moreover, now that Meng T'ien is dead, Meng I leads the soldiers posted along the outer (frontiers). [5] I am trembling and alarmed, and fear only that there may not be a (peaceful) conclusion. How then can Your Majesty still pursue these pleasures?"

"What is to be done about this?" Erh-shih asked.

[1] 'Sovereign Emperor of the Second Generation.' His father, on conferring upon himself in 221 the title of Shih-huang-ti ('First Sovereign Emperor'), had decreed that "later generations will be enumerated as 'second generation', 'third generation', and so unto one thousand and ten thousand generations, transmitting themselves without end." See *Mém. hist.*, II, 128. Little did Shih-huang realize that three years after his own death, his dynasty would reach its disastrous end.

[2] As he would be, if he were speaking with flattery.

[3] Where the plot was made to put Hu-hai on the throne.

[4] This statement is incorrect. See p. 26, note 1.

[5] Meng I, the younger brother of Meng T'ien, held a civil post. There is some mistake here, for Meng I was actually executed before the death of Meng T'ien. See their biographes in the *Shih Chi*, ch. 88.

Chao Kao replied: "Make the laws more severe and the punishments more rigorous. Command that when a man has committed a crime, punishment be meted out on a basis of mutual responsibility, and let this extend to include his clan. [1] Exterminate the great ministers and exile your own flesh and blood. Enrich the poor, give honor to the humble, [2] and completely do away with the old ministers of the former Emperor. Appoint, furthermore, those with whom Your Majesty is intimate, and bring near those whom you trust. When this is done, all the hidden influences will turn to Your Majesty. What is injurious will be eradicated, and villainous plots will be cut short. Among the ministers there will be none who does not receive your beneficent kindness, nor who will not be the gainer from your abundant virtue. Your Majesty will then (recline peacefully) on a lofty pillow, giving free vent to his desires, and favoring what he takes pleasure in. No plan can surpass this one."

Erh-shih approved of (Chao) Kao's words, and began making the laws anew. Thereupon officials and princes (accused of) guilt were all examined and judged under Chao Kao's orders. The great minister, Meng I, and others, he had executed; twelve of the royal princes died and had their bodies exposed on the market-place of Hsien-yang; and ten of the princesses of the royal family were killed at Tu by being torn limb from limb. [3] Their riches and belongings went to the offices of the prefectures (in which they lived), while (the number of) those who were implicated (and punished) with them surpasses all estimation.

Prince Kao wished to flee, but fearing lest his family might be seized, he submitted a memorial which said: "When the former Emperor was in good health, [4] I was granted food upon entering

[1] 相坐誅. This system was supposedly first introduced into Ch'in by Shang Yang. See Duyvendak, *The Book of Lord Shang*, p. 14.

[2] So as to destroy the old order, create a new one, and thus check any dangerous accumulation of power that might threaten the central authority. This is a typically Legalistic doctrine, though the Legalists were not always consistent, for see the *Han-fei-tzŭ*, ch. 50 (*chüan* 19, pp. 22—23), where Han Fei Tzŭ urges a policy of unrestricted economic competition.

[3] Tu, also known as Tu-ling 杜陵, was a place southeast of the present Ch'ang-an 長安 hsien in Shensi, near the Ch'in capital. The *Shih Chi*, ch. 6, states that six princes were executed, and that three committed suicide, but makes no mention of the execution of the princesses. See *Mém. hist.*, II, 201 f.

[4] *Wu yang* 無恙, an old form of salutation.

(the palace), and on leaving, I rode in a chariot. Clothing from the imperial storehouse and valuable horses from the stables were bestowed upon me. (When the Emperor died,) I should have followed him in death, but was unable. As a son I have been unfilial, and as a subject have been disloyal. Being disloyal, I have no renown to establish in this world, and so request that I may follow him in death and be buried at the foot of Mount Li.[1] May Your Majesty but have the kindness to pity me."

When the memorial was submitted, Hu-hai, greatly pleased, summoned Chao Kao and showed it to him, saying: "This may indeed be called prompt!"

Chao Kao said: "If (all) the ministers would thus die from grief without delay, who would there be to plot disturbances?"

Hu-hai granted the memorial and presented one hundred thousand (ounces) of money for the funeral. Daily the laws and punishments were made more severe, so that among the officials, each man felt himself in danger, and there were many who wanted to revolt. (Erh-shih,) furthermore, constructed the palace of O-pang,[2] and laid out imperial highways in straight lines. The collection of
4a taxes became ever more burdensome, and there were exactions of forced military service without ceasing.

At this time the frontier guards of Ch'u, (led by) such men as Ch'en Sheng and Wu Kuang, revolted and arose east of the mountains.[3] Men of ability established each other, set themselves up as Marquises and Kings, and revolted against Ch'in. Their soldiers arrived as far as Hung-men before halting.[4]

Li Ssŭ several times wished to ask for a private opportunity to give advice, yet Erh-shih would not grant it, but made reproving enquiries of Li Ssŭ and said:

"Among the confidential councils which I have, there is one which has been heard from Han (Fei) Tzŭ as follows: 'When Yao held

[1] In Lin-t'ung 臨潼 hsien, Shensi, near the Ch'in capital. It was the mountain where Ch'in Shih-huang had been buried.

[2] This palace, situated beside the capital, Hsien-yang, had already been begun by Ch'in Shih-huang in 212. See *Mém. hist.*, II, 174 f., and below, p. 120.

[3] A general name for the region occupied by the Six States, east of the mountains in which the strategic Han-ku pass was situated (for which see p. 14, note 2). This happened in the seventh mounth of the first year of Erh-shih (August 9 to September 6, 209). See *op. cit.*, pp. 249 f.

[4] A place in the east of Lin-t'ung 臨潼 hsien in Shensi.

the empire, his reception platform was (but) three feet high,[1] his oak roof-beams were unsmoothed, and his reed thatch was not trimmed. Even a travellers' inn could not be more miserable than this. In winter he wore deerskins and in summer clothing of dolichos fiber. The unhusked kernels of pannicled millet were his food, and the *li* and *huo*[2] plants made his broth. He ate from earthen containers and drank from earthen vases. Were it the nourishment of a gatekeeper, it could not be worse than this.

"'Yü pierced Lung-men and penetrated Ta-hsia.[3] He made the nine rivers passable, and separated their nine watercourses by dams.[4] He released the stagnant waters and led them to the sea. (So hard did he labor that) his thighs were without fat and his shanks worn off of all hair. His hands and feet were calloused and hardened, and his face and eyes became blackened. In the end he died away (from home) and was buried at Kuei-chi. The labors of a servant or slave could not be more arduous than this.'[5]

"This being so, why should he who is honored by holding the empire wish to distress his frame and weary his spirit? His body resting in a travellers' inn, his mouth eating the sustenance of a gatekeeper, his hand holding the labors of a slave! Such is what an unworthy man may constrain himself to; it is not what a man of ability need concern himself with. When an able man possesses the empire, he does nothing else but use the empire exclusively so that it will accord with his own (desires). This is the value of

[1] Yao is one of the mythical sage Emperors. The *Li Chi,* ch. 8, tells us that such a platform for the Emperor should be nine feet high. See Couvreur's translation, I, 547.

[2] 藜 and 藿.

[3] Yü, the mythical founder of the Hsia dynasty, is famous for his arduous labors which resulted in the overcoming of a flood which had ravaged China for nine years. Lung-men is a mountain between Ho-ching 河津 hsien in Shansi and Han-ch'eng 韓城 hsien in Shensi, near the Yellow river. Ta-hsia was the region between the Yellow and the Fen 汾 rivers in Shansi, near Lung-men.

[4] These were the Yellow river, the Yangtze Kiang, and the Jo 弱, Hei 黑, Han 漢, Chi 濟, Huai 淮, Wei 渭 and Lo 洛.

[5] Chavannes (*Mém. hist.,* II, 207, note 1) says he has been unable to find this quotation in the *Han-fei-tzŭ,* but it occurs in ch. 50 (*chüan* 19, p. 2), and again, considerably changed, in ch. 49, and in abbreviated form in ch. 10. It is also found in the *Mo-tzŭ,* ch. 21, in abbreviated form.

possessing the empire. Now, he who is considered a man of ability must be one able to pacify the empire and govern its various peoples. But if at the present time I am even unable (to obtain) what is profitable for myself, how shall I be able to rule the empire? This is why I should like to give free play to my impulses and to broaden my desires, so as long to enjoy the empire without harm (to myself). How shall I do this?"

Yu, the son of Li Ssŭ, was Administrator of San-ch'uan, and when the bandit hordes of Wu Kuang and his associates had overrun the territory on their way toward the west, he had been unable to prevent them from passing by. After Chang Han had broken up and expelled the soldiers of (Wu) Kuang and his followers,[1] an emissary who had made an investigation of the regions attached to San-ch'uan, reproached (Li) Ssŭ, (asking him) why, when he held the position of (one of) the Three High Dignitaries,[2] he had allowed the bandits to act like this? Li Ssŭ became alarmed and increased (the man's) rank and revenue. Not knowing how to get out (of his difficulties), he now assented to Erh-shih's ideas, wishing in this way to obtain favor. He replied (to Erh-shih's speech) in a memorial which stated:

"The able ruler must needs be one able in his every act to carry out the methods of supervising and holding responsible.[3] When one supervises them and holds them responsible, subjects dare not but exert their ability to the utmost so as to devote themselves to their ruler. If thus the distinction between subject and ruler is made certain, and the (respective) relationships of superior and inferior made manifest, then among both the virtuous and the unworthy in the empire, there will be none who will dare not to exert their strength to the utmost, and to strain at their duties, so as do devote

[1] This was in 210 B.C. See *Mém. hist.*, II, 205—208. There, only the death of Ch'en Sheng in this conflict is mentioned, but Wu Kuang was Ch'en's follower. Chang Han was a Ch'in general who used the convicts laboring on Mount Li, to fight against the rebels. At first he had considerable success, but in 205 he committed suicide.

[2] *San kung* 三公, the three chief ministers in the state.

[3] The entire memorial which follows revolves around these two words, *tu* 督 and *tse* 責, roughly translated as 'supervising' and 'holding responsible'. Their significance as forming part of the 'methods' (*shu* 術) of the Legalists is discussed in detail on pp. 205 f.

themselves to their ruler.[1] In this way the ruler alone will rule in the empire, and will be ruled by none. He will succeed in reaching the apex of pleasure. Can the able and intelligent ruler afford, then, not to examine this matter?

"Therefore Shen Tzŭ has said: 'To possess the empire, and yet not throw off all restraints, is called making shackles (for oneself) out of the empire.'[2] There is no other reason for this than the failure (of rulers) to supervise and hold responsible, and thus watch over (the empire). They are men who labor with their own bodies for the people of the empire, as did Yao and Yü, and therefore (the empire) is called their shackles.[3]

"Now if one is unable to practise the intelligent methods of Shen (Pu-hai) and Han (Fei Tzŭ), and to follow the way of supervising and holding responsible, so that the empire will suit one's own pleasure; and if on the contrary one busies oneself to no purpose with distressing one's body and wearing one's spirit, in order that one may devote oneself to the hundred clans; then one is but a servant of the black headed ones,[4] and not one who rears the empire. What is there valuable (in such a position)? For when others devote themselves to oneself, then oneself is illustrious and the others are humble, whereas when one devotes oneself to others, oneself is humble and the others are illustrious. Therefore he who devotes himself to others is humble, and he to whom others devote themselves is illustrious. From antiquity till today, there has never been a case which was not like this.

"All men of old who were considered respectable and virtuous, were so because of their illustrious (position), whereas those who were considered despicable and unworthy, were so because of their humble (position). And so if we, because Yao and Yü devoted themselves to the empire, are on that account to follow and to honor them, then we are indeed losing the mind (that can distinguish) respectability and ability. Such may be called a great delusion, and

[1] Li Ssŭ here appeals to a Confucian, as well as to a Legalist idea, that an ordered society is one in which each social class, and each individual within that class, knows his exact position, and his duties to society as a whole. See pp. 183 f.

[2] This is apparently a lost quotation. Shen Tzŭ is the notable Legalist, Shen Pu-hai (died 237), who like Han Fei Tzŭ, was a native of Han, and whom Han Fei Tzŭ several times quotes in his writings.

[3] This sentence is repetitious, and sounds as if it were a sentence of commentary which has mistakenly crept into the text.

[4] A term applied to the common people. See p. 79.

is it not fitting to speak of it as one's shackles? It is a fault resulting from incapacity to supervise and hold responsible.

"Therefore Han (Fei) Tzŭ has said: 'It is the affectionate mother who has the prodigal son, while the severe household is without fierce slaves.' [1] What does this mean? It means that one should be able, in the application of punishments, to keep them definite.

"Therefore according to the laws of Lord Shang, there was corporal punishment for those who scattered their ashes into the
4*b* streets. [2] Now, the scattering of ashes is a small offense, whereas corporal punishment is a heavy penalty. Only he who is capable of conducting far-reaching supervision for light offenses is an intelligent ruler. For when supervision is far reaching even for light offenses, how much more will it be so when there is a serious offense! And thus the people will not dare to violate (the laws).

"Therefore Han (Fei) Tzŭ has said: 'Even an ordinary piece of cloth, the common man will not leave aside (if he has the opportunity of stealing it), while one hundred *i* of molten gold, even Robber Chih would not snatch. [3] It is not that the mind of the common man puts a heavy estimate on the value of an ordinary thing, [4] or that the desires of Robber Chih are slight. Nor again is it that the conduct of Robber Chih is to regard the heavy (value) of one hundred *i* but lightly. But it is because if the act of seizing be inevitably followed by immediate retribution, [5] Robber Chih would not seize even one hundred *i*, whereas if punishment do not necessarily follow, even a common man would not leave aside an ordinary thing.' [6]

[1] See *Han-fei-tzŭ*, ch. 50 (*chüan* 19, p. 26). A somewhat similar saying appears in the work attributed to Shang Yang. See Duyvendak, *op. cit.*, pp. 290—291.

[2] This statement also occurs in a lost passage of Liu Hsiang's *Hsin Hsü*, now preserved only in P'ei Yin's commentary on the *Shih Chi*. See Duyvendak, *op. cit.*, p. 7. In the *Han-fei-tzŭ*, ch. 30 (*chüan* 9, p. 15), it is stated that during the Yin dynasty the penalty for throwing ashes in the street was cutting off of the hand.

[3] Chih was a notorious robber prior to Confucius, and brother to the virtuous Liu of Hsia-hui 柳下惠. See *Mencius*, III*b*, 10. An *i* 鎰 is a measure of twenty-four ounces.

[4] According to Li Li, *Shih-chi Ting-pu*, the character 深, which appears at this point, should be omitted.

[5] In the case of the molten metal, by burning of the hand.

[6] See the *Han-fei-tzŭ*, ch. 49 (*chüan* 19, p. 8), where this passage, with textual variations, and the omission of the second and third sentences, occurs.

"Therefore a city wall fifty feet high, even Lou Chi would not lightly transgress, whereas even a lame shepherd will herd (his flock) on top of Mount T'ai's height of one hundred *jen*.[1] Now when Lou Chi finds a fifty foot barrier difficult, how is it that a lame shepherd will make light of a height of one hundred *jen*? It is because the conditions (*shih* 勢) of steepness and depression are different.[2]

"There is no other way for the intelligent ruler and Sage-king to remain long in a position of honor, to maintain long the major power (*shih* 勢), and to take sole possession of what is advantageous in the empire. It consists in passing judgment, and in supervising and holding responsible, all in one's own person. If you make definite the severe punishments, . . . then the empire will not dare to transgress (the laws).[3] If at present you do not busy yourself with what will lead to such non-transgression, but conduct yourself in the manner which makes the affectionate mother have the prodigal son, you have certainly not looked into the discussions of the Sages. As for him who is unable to practise the methods (*shu* 術) of the Sages, what else does he do but make himself the servant of the empire?[4] Can we do aught but pity him?

"Furthermore, when men who are abstemious, self-controlled, virtuous (*jen* 仁) and righteous (*i* 義), stand in the court, then wild and unrestrained revels are cut short. When remonstrating ministers who prate of 'reason' appear at one's side, then abandoned

[1] 仞, said to be equal to eight or seven feet of the Chou period, the foot of that time being equal to about twenty centimetres. In any case, Mt. T'ai, 1,545 metres above sea level, is much higher. Lou Chi, according to P'ei Yin's commentary, was a brother of Marquis Wen of Wei 魏文侯 (403—387).

[2] This illustration occurs in *Han-fei-tzŭ*, ch. 49, directly preceding that of the molten gold given above. See also *Hsün-tzŭ*, ch. 28 (*chüan* 20, p. 5), and *Han Shih Wai Chuan*, ch. 3, sect. 19, where it is borrowed from *Hsün-tzŭ*. The *Yen T'ieh Lun*, ch. 58, contains both the illustration of the molten gold and of T'ai Shan.

[3] The rhythm of the Chinese text makes it seem probable that three characters have been lost between the words 'punishments' and 'then', while the latter word (*tse* 則), has in all probability wrongly been changed in the present version into 'therefore' (*ku* 故).

[4] I here take 舍 as equivalent to 陋, and hence translate it as 'else'.

and reckless aims become curbed. When 'patriots' whose actions are those of men ready to die for their principles, appear in the world, all thought of dissolute pleasures becomes obliterated. [1]

"Therefore the intelligent ruler is one able to expel these three classes of men and to hold the methods (*shu* 術) of the ruler in his own hands alone, issuing his decrees to ministers who will listen and follow him, and thus practising his clear laws. Therefore being venerated in his own person, his power (*shih* 勢) is weighty. All talented rulers must necessarily be able to oppose the world and to grind the usages (to their own liking), destroying what they dislike and establishing what they desire. During life, in consequence, they hold a power (*shih*) that is honorable and weighty, and after death they receive a posthumous title that speaks of ability and intelligence.

"This is why the intelligent ruler makes decisions solely himself, and hence his authority does not lie in the hands of his ministers. Only when this is so can he obliterate the path of 'virtue' (*jen*) and 'righteousness' (*i*), close the mouths of irresponsible speakers, hinder the activities of the 'patriots', and bottle up 'wisdom' and 'intelligence', so that within (the palace) he alone sees and listens. Then outside (the palace) he cannot be overthrown by the actions of the 'virtuous' and 'righteous' patriots, and within he cannot be carried away by debates of remonstration and by angry wrangling. Therefore he is able for himself alone to follow a mind of complete unrestraint, and no one dares to oppose him. Only in this way can one be said to be capable of understanding the methods (*shu*) of Shen (Pu-hai) and Han (Fei Tzŭ), and of practising the laws of Lord Shang. I have never heard that if one practised these laws and understood these methods, the empire would be in disorder.

"Therefore it is said that the Way of the King (*wang tao* 王道) consists in maintaining restraint and keeping things easily in hand. It is only the intelligent ruler who is able to follow this, and it is when conditions are like this that there may be said to be super-

[1] The attack here is against moral prigs, particularly of the Confucian type.

vision and holding responsible.[1] Then will one's subjects be without depravity.

"When one's subjects are without depravity, the empire will be at peace. When the empire is at peace, its ruler will be awe-inspiring and venerated. When the ruler is awe-inspiring and venerated, supervision and holding responsible are definite. When supervision and holding responsible are definite, what is sought for will be obtained. When what is sought for is obtained, the nation will be prosperous. When the nation is prosperous, its ruler's joy will be abundant. Therefore when the methods (*shu*) of supervising and holding responsible are instituted, there is nothing wished for that is not obtained, officials and the hundred clans have no way of remedying their wrongs, and what disturbances can they then dare to plan? Under these conditions the Way of the Emperor (*ti tao* 帝道) is made complete,[2] and one may be said to be able to understand the methods (*shu*) of ruler and subject.[3] Though Shen (Pu-hai) and Han (Fei Tzŭ) were to return to life, they would be unable to add to this."

When this memorial was presented, Erh-shih was delighted, and from then on the carrying out (of the policy) of supervising and holding reponsible was increased in severity. Those who taxed the people heavily were regarded as intelligent officials, Erh-shih saying: "Such as these may be considered capable of supervising and holding responsible." Persons who had suffered corporal punishment made up half of those to be seen on the roads, and the

[1] According to Ts'ui Shih, in his *Shih-chi T'an-yüan,* the character 誠 should be omitted at the end of this sentence, and the character 可 inserted after 則.

[2] This interesting term occurs here, so far as I know, for the first time in Chinese literature, and indicates the development of the imperial concept during the Ch'in dynasty, on which see ch. 6. A more common term is that of the 'Way of the King' (*wang tao* 王道), which appears above on p. 42, and which was first used in the works of Mencius (372?—289?), I*a,* 3, at a time when the King, who was head of the feudal lords, still represented the highest figure in the Chinese world.

[3] The Legalist ideal of *Chün ch'en chih shu* 君臣之術, the political 'methods' by which the ruler is to maintain his position over his subjects (for which see below, pp. 200 f.), here replaces the Confucian and feudal one of *chün ch'en chih i* 君臣之義, the proper relationships (*i*) that should exist between ruler and subjects in a feudal society.

men who died, daily formed a heap in the market-place. Those who executed the people in large numbers were regarded as loyal ministers, Erh-shih saying: "Such as these may be considered capable of supervising and holding responsible."

When Chao Kao had first become Palace Chamberlain,[1] those
5a whom he had executed and on whom he had requited private hatred were very numerous. Hence he feared that the great ministers who entered the court might submit matters that would villify him, and so he spoke to Erh-shih, saying:

"What makes the Son of Heaven noble (in the eyes of his people) is that they hear only the sound (of his voice), and none of the subjects can obtain a view of his countenance. Therefore he designates himself as *chen*.[2] Moreover, Your Majesty is rich in his years (to come),[3] and is not yet necessarily conversant with all affairs.[4] If now he were to sit in court, and some error were to occur in the criticisms or recommendations (that were submitted), he would show his shortcomings to the great ministers, which would not be the way to display his spirit-like intelligence to the empire. Moreover, if Your Majesty were to keep himself in reserved dignity within the forbidden (part of the palace), and leave it to me and to palace attendants practised in the laws, to attend to matters, then when matters came up, there would be someone to decide them. In this way the great ministers would not dare to bring up doubtful affairs, and the empire would acclaim you as a sage ruler."

Erh-shih used this counsel, and now no longer sat in court to give audience to the great ministers, but stayed within the forbidden precincts. Chao Kao and the eunuch attendants had charge of affairs, all of which were decided by Chao Kao.

[1] Which was when Hu-hai became Emperor. See p. 34.

[2] 朕, a word which in 221 Ch'in Shih-huang had specially reserved to be used for imperial self designation, probably owing to the fact that in Taoist literature the word assumes a special significance, meaning supernatural influence. See below, pp. 91—92, and *Mém. hist.*, II, note I on p. 127. Chao Kao's explanation of the word here, supports this theory of ist mysterious significance.

[3] I.e., is still young.

[4] In the first year of his reign, i.e., 209 B.C., Erh-shih was twenty-one years old. See *Mém. hist.*, II, 195. The present speech occurred during the second year of his reign (208 B.C.). See *Mém. hist.*, II, 206, where it appears with variations.

Hearing that Li Ssŭ had made some remarks about this, (Chao) Kao paid a visit to the Grand Councillor and said: "There are many bands of brigands east of the pass, and yet at present the Emperor impresses more and more forced labor for the building of the O-pang palace. He collects dogs, horses and useless things. I should like to remonstrate, but my position is lowly. Really this is a matter for Your Lordship. Why do you not see him?" [1]

Li Ssŭ replied: "As a matter of fact, I have wished to speak about this for a long time, but at present the Emperor no longer sits in court, but stays within the inner palaces. When I have something to speak about, I am unable to transmit it, and when I wish to see him, he has no leisure."

Chao Kao said: "You, sir, are certainly one who should be able to remonstrate with him. I beg to arrange a time for Your Lordship when the Emperor will have leisure for discussion with you."

Chao Kao then waited until Erh-shih was in the midst of feasting and merriment, with women before him, to send a man to tell the Grand Councillor that at that moment the Emperor was free, and that he (Li Ssŭ) might submit his business. On arriving at the palace gate, the Grand Councillor had the announcement of his visit sent up. This happened three times, until Erh-shih angrily said: "I have many days of leisure when the Grand Councillor does not come, but as soon as I am feasting in private, the Grand Councillor straightway comes requesting business. Why does the Grand Councillor slight and force me in this way?"

Chao Kao took this opportunity to say: "If he is like this, he is dangerous. The Grand Councillor was a participant in the Sha-ch'iu plot, and now Your Majesty has already been established as Emperor, whereas the dignity of the Grand Councillor has not been advanced. His idea is one looking forward toward becoming a king by making a partition of the country. Furthermore, since Your Majesty did not ask me, I did not dare to tell you that it is the Grand Councillor's eldest son, Li Yu, who is Administrator of San-Ch'uan, and that the Ch'u brigands, including Ch'en Sheng and others, are all fellows of the prefecture adjacent to (that of the birthplace of) the Grand Councillor. On this account the Ch'u bandits have acted quite openly, and when they traversed San-

[1] In some editions the text reads 諫 (remonstrate with) instead of 見 (see).

ch'uan, the Administrator in the city was unwilling to attack them. I have heard that letters pass back and forth between them,[1] but having been unable to make an investigation, I have not ventured (until now) to tell about it.

"The Grand Councillor, moreover, dwells outside (the palace), where his authority is more weighty than that of Your Majesty."

Erh-shih agreed with what he said, and wished to have the Grand Councillor tried. Fearing, however, lest (the case against him) might not stand investigation, he sent a man to investigate concerning the Administrator of San-ch'uan, as to whether there was ground for the charge of holding communication with the brigands.

At the time when Li Ssŭ heard of this, Erh-shih was at Kan-ch'üan,[2] where he was witnessing contests of strength and theatricals.[3] Li Ssŭ failed to obtain an interview, and therefore presented a memorial in order to speak of Chao Kao's shortcomings, saying:

"Your servant has heard that there is no case of a minister deceiving his ruler which has not endangered the state, or of a concubine deceiving her master which has not endangered the home.[4] At the present time there is a great minister who has usurped from Your Majesty both what may be advantageous and

[1] I.e., between Li Yu and the rebels. The casual reference here to letters (*wen shu* 文書) is interesting, inasmuch as it confirms archaeological evidence which shows that during the succeeding Han dynasty letters were of common occurrence.

[2] A palace at the city of Yün-yang 雲陽, northeast of the present Shun-hua 淳化 hsien in Shensi.

[3] 觳抵 and 優俳. The former two characters are equivalent to 角抵, a term mentioned in the *Ch'ien Han Shu,* ch. 6, under the spring of the year 108 B.C., and which is explained as referring to contests either of archery or of chariot driving. I have therefore translated it here by the more general term, 'contests of strength'. 優俳 are clowns or buffoons who give miscellaneous entertainment somewhat like our vaudeville. The reference to such theatricals at this early time is interesting.

[4] According to Chang Wen-hu, *Shih-chi Cha-chi,* the two i 疑 characters in this sentence, meaning 'to doubt', are here equivalent to *i* 儗, meaning 'to deceive'.

disadvantageous,[1] so that between him and Your Majesty there is no distinction. This is extremely inexpedient.

"Of old, when the Minister of Public works, Tzŭ Han, was minister of Sung, he administered the punishments himself, applying them with severity. One year later he expelled his prince.[2]

"T'ien Ch'ang was the minister of Duke Chien. His rank was without match in the state, and the wealth of his private household was equal to that of the ducal house. By scattering his favors and exhibiting kindness, he obtained (the goodwill of) the clans below, and of the officials above, and thus secretly gained control of the state of Ch'i. He then killed Tsai Yü in the court and murdered Duke Chien in his audience chamber, so that ultimately he possessed the state of Ch'i. These things are well known in the empire.[3]

"(Chao) Kao's will is at present bent upon evil, and his actions are dangerous and subversive, like those of Tzŭ Han when he was minister of Sung. The wealth of his private household is like that of the T'ien clan in Ch'i. He is following the seditious ways of T'ien Ch'ang and Tzŭ Han at the same time, and has snatched from Your Majesty, Your Majesty's awe-inspiring trust. His purpose is similar to that of Han Chi, who became minister of An of Han.[4]

[1] I.e., all powers and prerogatives.

[2] This reference raises considerable difficulties. There is a Tzŭ Han who was Minister of Works in Sung under Duke P'ing 平公 (575—532), but there is no record that he ever expelled his sovereign from Sung. The Tzŭ Han here referred to may be one who served under Duke Chao 昭公 of Sung (452—405), and who is mentioned in the *Han-fei-tzŭ*, ch. 7, and in other writings, as having usurped the power in Sung, though the fact is not recorded in the regular histories. See Ch'ien Mu, *Hsien-Ch'in Chu-tzŭ Hsi-nien*, p. 134.

[3] See p. 22, note 4. This example is also given in the *Han-fei-tzŭ*, ch. 7, with that of Tzŭ Han. The Tsai Yü here referred to is probably the same person as the disciple of Confucius, Tsai Wo 宰我, whom the *Shih Chi* (ch. 67, p. 2b) says made a revolt together with T'ien Ch'ang, thus causing Confucius to be ashamed of him. Ssŭ-ma Cheng, in his comment on the passage, denies the identification on the grounds that Tsai Wo is not mentioned with T'ien Ch'ang in this connection in the *Tso Chuan*, but Ch'ien Mu (*op. cit.*, sect. 27), shows that in all probability it is really Tsai Wo who is intended.

[4] There is another confusion here. King An ruled Han from 238 to 230, and there is no record of any Han Chi under him. The *Shih Chi* (*Mém. hist.*, V, 205), however, states under the year 349: "Han Chi murdered his ruler, Duke Tao 悼公," but aside from this one passage there is no

If Your Majesty does not take consideration of the matter, your servant fears that this man will cause revolt."

"How can this be!" said Erh-shih.[1] "It is true that (Chao) Kao was formerly (a mere palace) eunuch; yet he did not exert his ingenuity (merely) with a view to his own peace, nor did he, in face of danger, change his heart. By keeping his conduct pure and by practising virtue, he brought himself to this point. He obtained approach to us because of his loyalty, and exercised his position with good faith. We truly esteem him, yet you, sir, doubt him. How is this?

"Moreover, when still being young, we lost our forbear, we were without wisdom and were unaccustomed to ruling the people, whereas you, sir, were old, and, as we feared, out of contact with
5*b* the empire. So if then we had not attached Lord Chao to ourselves, whom could we have employed? Lord Chao, furthermore, is a man of incorruptible spirit and strong vitality. He understands the natures of the men below him, and is able to accord with us above. Be you, sir, without doubt on that score."

"Not so," replied Li Ssŭ. "For (Chao) Kao comes of mean origin. He has no understanding of reason, and his avaricious desires are without satiation. He seeks for profit unceasingly, his rank and power are only second to the ruler, and the pursuit of his desires is without limit. I therefore say that he is dangerous."

Since Erh-shih had already earlier put his trust in Chao Kao, and since he feared that Li Ssŭ would kill him, he privately informed Chao Kao. The latter said: "It is only I whom the Grand Councillor fears. Were I once dead, the Grand Councillor would forthwith wish to do what T'ien Ch'ang did."

Erh-shih then said: "As to Li Ssŭ, let the matter be referred to the Palace Chamberlain."[2]

Chao Kao then had Li Ssŭ brought to trial, and Li Ssŭ was seized

other record of any such Duke Tao ever having existed in Han. Ch'ien Mu (*op. cit.*, sect. 36), would explain the puzzle by saying that the Duke Tao here referred to is not of Han, but in reality is the Duke Tao who was the last ruler of Chin, the parent state of Han, and who in the *Shih Chi* is mistakenly referred to as Duke Ching 靜公. This still does not explain, however, how Li Ssŭ could make the mistake of referring to him as An of Han.

[1] There is an unexplained gap here between the memorial just presented, and the direct conversation which follows. We must suppose that Erh-shih, having read the memorial, granted Li Ssŭ a personal interview.

[2] I.e., to Chao Kao, who held this office.

and bound and thrown in prison. Raising his eyes to Heaven, he exclaimed with a groan: "Alas! For an unprincipled ruler, how can one make any plans? Of old, Chieh killed Kuan Lung-feng; [1] Chou killed the King's son, Pi Kan; [2] and Fu Ch'a, King of Wu, killed Wu Tzŭ-hsü. [3] How were these three ministers not loyal? Yet they did not escape death, and when they died their loyalty proved of no avail. My wisdom at the present day does not equal that of these three men, whereas Erh-shih's lack of principle exceeds that of Chieh, Chou and Fu Ch'a. Fitting it is that I should die on account of my loyalty.

"In what, besides, is Erh-shih's government not disordered? Up till now he has already exterminated his elder and younger brothers and established himself. He has executed loyal ministers and honored base men. For the making of the O-pang palace he has exacted taxes throughout the empire. It is not that I have not remonstrated with him, but he would not listen to me. The Sage-kings of old all had definite rules for their drinking and eating; had a fixed number for their chariots and utensils; and maintained a measure for their palaces and apartments. The issuing of orders for building activities, if they entailed increases in expenditures which would be of no advantage to the public weal, was forbidden. Therefore they were able to govern in peace for a long time.

"But now he has run counter to his elder and younger brothers, without examining if they had guilt, and has executed his loyal ministers one by one, without taking thought of their misfortunes. He has carried out great constructions of palace buildings, and has heavily taxed the empire, without regard for the expenditure. (Because) these three things have gone on, the empire no longer obeys him, and the rebels at the present time already possess half the empire. Yet still his mind has not awakened, so that he makes Chao Kao his assistant. Therefore I shall certainly see the outlaws arrive at Hsien-yang, and deer wandering through the (palace) courts." [4]

[1] A worthy who often reprimanded Chieh, the tyrannical last ruler of the Hsia dynasty, until the latter, losing patience, put him to death.

[2] See p. 31, note 4.

[3] The loyal minister of Fu Ch'a (495—473), who warned the latter against the pretended submission of the rival state of Yüeh. Fu Ch'a ignored the warning, and angrily ordered Wu Tzŭ-hsü to commit suicide, but eleven years later, in 473, the warning came true, Wu being annexed by Yüeh, and Fu Ch'a himself committing suicide.

[4] I.e., what is now a great metropolis will become a ruined waste.

Erh-shih now ordered (Chao) Kao to try the case of the Grand Councillor and determine his offense. (The latter) accused (Li) Ssŭ and his son, Yu, on the charge of plotting revolt, and he had the kindred and pensioners of both arrested. He ordered (Li) Ssŭ to be given a flogging of more than one thousand strokes, so that (the latter), unable to endure the pain, falsely confessed (his guilt).

So as not to die, (Li) Ssŭ undertook to give an exposition of his merits, and to say that he was in truth without seditious intent, thus hoping that with good fortune he might yet be able to submit a memorial of self exposition, and by good grace Erh-shih might yet waken (from his blindness) and pardon him. Hence Li Ssŭ from within his prison now submitted a memorial which said:

"Your servant has become Grand Councillor, and has administered the people for more than thirty years. When he arrived within Ch'in's narrow confines, during the time of the former King, Ch'in's territory did not exceed one thousand *li*, and its soldiers did not number more than a hundred thousand. Your servant used his meagre talents to the utmost, carefully establishing laws, secretly sending out plotters, giving them gold and precious stones, and causing them to travel about and advise the feudal lords, and secretly to prepare armor and weapons.[1] He spread the teachings of (imperial) government, gave position to men of arms, honored meritorious officials, and enriched their ranks and revenues. In this way it was ultimately possible to seize Han, weaken Wei, destroy Yen and Chao, raze Ch'i and Ch'u, and so finally annex the Six States, make captives of their kings, and establish (the King of) Ch'in to be Son of Heaven.[2] This is his crime number one.

"(Although thus Ch'in's) territory was certainly not lacking in extent, he also expelled the Hu and Ho along the north, and imposed rule upon the various Yüeh in the south, thus manifesting Ch'in's power.[3] This is his crime number two.

"He honored the great ministers and enriched their ranks and positions, so as to strengthen their attachment. This is his crime number three.

[1] See above, pp. 14—15.

[2] Han was wiped out by Ch'in in 230, Chao in 228, Wei in 225, Ch'u in 223, Yen in 222 and Ch'i in 221.

[3] This was in 215 and 214, when campaigns were made in the north, and in the south as far as present Canton. See *Mém. hist.*, II, 167—168. The campaigns against the Ho (equivalent to the Mo 貊) tribes, are not elsewhere mentioned.

"He established the altars of the soil and grain, and repaired the ancestral temple, in order to make his ruler's merit illustrious. This is his crime number four.

"He reformed harmful policies, equalized the *tou* and *hu* measures,[1] the measures of weight and size, and the written characters (*wen chang* 文章), and made these universal throughout the empire, thus establishing Ch'in's fame. This is his crime number five.

"He laid out imperial highways and inaugurated (imperial) tours of inspection, in order to show (to the people) that their ruler had attained to his every desire.[2] This is his crime number six.

"He relaxed the punishments and reduced the collection of taxes, in order to further his ruler's (efforts to) win the hearts of the masses, so that the people might honor their ruler and not forget him after death. This is his crime number seven.

"The crimes of one who, as a minister, behaved as (Li) Ssŭ had done, would certainly have merited death already long ago; yet the Emperor has been gracious enough to make use of his ability to the utmost even unto the present time. May it please Your Majesty to look into the matter."

When the memorial was sent up, Chao Kao sent a clerk to reject it (as not fit) to be presented, saying: "How can a prisoner be allowed to submit a memorial?" Chao Kao then sent from among his pensioners some ten odd men who pretended to be assistants of visiting imperial secretaries, come again to conduct (Li) Ssŭ's interrogation. And when (Li) Ssŭ again replied with the truth, (Chao Kao) immediately ordered men to flog him anew.

Later when Erh-shih sent men to examine (Li) Ssŭ, the latter believed that it would go as before, and so to the end he did not dare to alter his statements, but admitted his guilt. When this fact was submitted to the Emperor, Erh-shih said delightedly: "If it were not for Lord Chao, I should nearly have been sold by the Grand Councillor."

By the time the person sent by Erh-shih to examine the Administrator of San-ch'uan had arrived there, Hsiang Liang had already

[1] The *tou* 斗 is a measure of capacity equivalent to 10.35 litres, and the *hu* 斛 is five times the size of the *tou*.

[2] See above, pp. 24 and 36.

arrested and executed him.[1] On his return, the delegate, together with officials who had served under the Grand Councillor, and with Chao Kao, all falsely made a report of sedition (against Li Yu).

In the seventh month of the second year of Erh-shih (July 30 to August 27, 208 B.C.), they prepared the five punishments for Li Ssŭ and he was condemned to be cut in two at the waist upon the market-place of Hsien-yang.[2] While Li Ssŭ was being taken out from the prison together with his second son, he looked at him
6a and said: "Even if I and you wished once more to lead a yellow dog and go together out of the east gate of Shang-ts'ai in pursuit of the crafty hare, could we indeed do so?" Thereupon father and son both wept. (Their execution was followed by) the extermination of their kindred to the third degree.[3]

Once Li Ssŭ was dead, Erh-shih conferred on Chao Kao the post of Grand Councillor,[4] and all affairs both big and small were decided by the latter. (In order to) find out how far his authority carried, (Chao) Kao now presented a deer (to Erh-shih), the while calling it a horse. Erh-shih then inquired of those about him, "But this is a deer." His entourage all replied: "It is a horse." Believing that he was suffering from some delusion, Erh-shih became alarmed and summoned the Great Diviner to prognosticate the matter.[5]

[1] Hsiang Liang was one of the anti-Ch'in rebel leaders. Together with his nephew, Hsiang Yü, and the Duke of P'ei, later the founder of the Han dynasty, he inflicted a crushing defeat upon the Ch'in forces, and then cut off the head of Li Yu, who had been captured. See *Mém. hist.*, II, 259 and 341. According to the *Ch'ien Han Shu*, ch. 1, p. 3a, this occurred in the eighth month of the second year of Erh-shih (August 28 to September 25, 208), i.e., actually in the month following that in which Li Ssŭ was executed, rather than prior to this event, as here described.

[2] The five punishments began with branding the forehead, then cutting off the nose, the feet, and death by flogging, followed by exposure of the head and corpse in the market-place. See *Mém. hist.*, II, 210, note 2. In this case, however, perhaps the words, 'five punishments', are only a general term for preliminary torture, since Li Ssŭ finally met his death by being cut in two at the waist.

[3] Parents, brothers, and wife and children, but the term is somewhat ambiguous. See Duyvendak, *op. cit.*, note 2 on p. 279.

[4] In the winter of 207 B.C., the third year of Erh-shih. See *Mém. hist.*, II, 210.

[5] This presentation took place on September 27, 207. See *op. cit.*, p. 211. The version there differs slightly, it being stated that a few of the courtiers, when asked about the deer, maintained that it was actually a deer, whereupon Chao Kao found means of getting men of such dangerous independence of mind out of the way.

The Great Diviner said: "When performing the suburban sacrifices in spring and autumn, [1] and making offerings in the ancestral temple and to spiritual beings, Your Majesty has not been pure in his fasting, and that is why he has come to this. He should rely upon his abundant virtue and be pure in his fasting."

(Erh-shih) then went to Shang-lin to fast. [2] There he every day went out hunting. Once there happened to be a traveller who entered Shang-lin, and Erh-shih shot an arrow and killed him. Chao Kao thereupon instructed his son-in-law, the Prefect of Hsien-yang, Yen Yo, to prosecute, no matter who, the person who had killed the man passing through Shang-lin. [3] (Chao) Kao then reproved Erh-shih, saying: "The Son of Heaven has killed an innocent man without cause. Such is forbidden by God (*shang ti* 上帝), and (is reason enough for) spiritual beings not to accept (your sacrifices). Moreover, Heaven will be sending down calamities for this. You must go far away from the palace in order to make a sacrifice so as to ward off the evil."

Erh-shih then went to stay in the Wang-i palace. [4] After he had been there three days, Chao Kao deceitfully summoned the guard, and commanded the soldiers to put on ordinary clothes, take their weapons, and enter the palace. He (then) entered to report (the matter) to Erh-shih, saying: "The bandit-forces from east of the mountains have all come!" Erh-shih, having mounted a pavillion, saw them, and was smitten with terror. (Chao) Kao seized the opportunity to force him to commit suicide. Then he took the imperial seal and hung it from his own girdle. But of the officials around him, none would follow him, and when he ascended the audience hall, three persons there wished to do him harm. [5]

[1] These suburban sacrifices (*chiao ssŭ* 郊祀) were annually offered by the ruler to the sun in the eastern suburb of the capital on the spring equinox, and to the moon in the western suburb on the autumn equinox. See the *Li Chi*, ch. 21 (Couvreur's translation, II, 286—287).

[2] Shang-lin was an extensive park occupying Chou-chih 盩厔 and Hu 鄠 hsien, and the west part of Ch'ang-an 長安 hsien, in Shensi.

[3] How could Chao Kao, a eunuch, have a son-in-law? Perhaps in his case, as in that of many other eunuchs in China, he had not become a eunuch until after he had already married, and so had had children to carry on the family line.

[4] In the present Hsi-an 西安 hsien in Shensi.

[5] The version of these events given in the *Shih Chi*, ch. 6, states that Erh-shih's retirement followed, not the presentation of the deer, but a dream which he himself had, and which the Great Diviner interpreted. Erh-shih

(Chao) Kao himself realized that Heaven refused to grant him (the empire), and that the body of officials would not consent. Hence he summoned a younger brother of Shih-huang, and conferred on him the imperial seal.[1]

Having acceded to his position, Tzŭ-ying was afraid of (Chao Kao). Hence, saying that he was ill, he did not attend to (state) matters, but together with a eunuch named Han T'an, and his sons,[2] plotted to kill Chao (Kao). When the latter came on a visit to ask about his illness, he invited him to enter. Then he commanded Han T'an to stab him to death.[3] (Chao Kao's) kindred were exterminated to the third degree.

Tzŭ-ying had held the throne for three months when the soldiers of the Duke of P'ei arrived at Hsien-yang from the Wu pass.[4] The ministers and officials all threw off their allegiance and did not resist,[5] and Tzŭ-ying, accompanied by his wife and sons, bound his neck with a silken cord and made his submission near Chih-tao.[6] Thereupon the Duke of P'ei handed him over to the officials (to be tried), but King Hsiang, on his arrival, decapitated (Tzŭ-ying).[7] And thus it is that (Ch'in) lost the empire.

had criticized Chao Kao for failure to suppress the rebels, and the latter, becoming alarmed for his own position, induced Yen Yo to lead a false band of ruffians into the palace where Erh-shih was staying. The latter, after begging vainly for life, committed suicide. See *Mém. hist.*, II, 211—215. According to the chronological table in ch. 16, the death occurred in the eighth month of the third year (September 16 to October 14, 207), that is, sometime within a period of seventeen days after the presentation of the deer.

[1] The text is in error here. According to *Mém. hist.*, II, 215, Tzŭ-ying, who succeeded Erh-shih, was the son of an elder brother of Erh-shih, and therefore a nephew, not a brother, of Shih-huang.

[2] The two sons of Tzŭ-ying, not of the eunuch. See *op. cit.*, p. 216.

[3] According to *op. cit.*, p. 217, Tzŭ-ying did the stabbing himself.

[4] The southern pass into Ch'in, 185 *li* east of Shang 商 hsien, Shensi. The Duke of P'ei was the man who later founded the Han dynasty (206 B.C.—A.D. 220). Actually he arrived but forty-six days after Tzŭ-ying's accession. See *op. cit.*, p. 217.

[5] Taking 適 as equivalent to 敵, according to the reading of Hsü Kuang.

[6] Evidence that he gave his submission and was ready to commit suicide. Chih-tao was east of the present Hsien-yang hsien.

[7] King Hsiang, i.e., Hsiang Yü, was at first the ally, but later the foremost opponent, of the Duke of P'ei. He died in 202. Tzŭ-ying's death occurred three months after his accession to the throne, in a month corresponding to January 11 to February 9, 206. See *Shih Chi*, ch. 16.

The Great Astrologer says: [1]

"Li Ssŭ went forth from his simple hamlet among the feudal lords, and entered the service of Ch'in. He used their mistakes to assist Shih-huang, and eventually brought to realization for him the imperial heritage. (Li) Ssŭ himself became one of the Three High Dignitaries, which may be called honorable employment. Although he knew what the purport was (of the teaching) of the Six Disciplines, [2] yet he paid no attention to enlightened government, with which to patch up the defects of his ruler. He seized the greatest of positions and revenues for himself, gave his assent to immoral associations, and was relentlessly severe and tyrannical in his punishments. He paid heed to (Chao) Kao's evil words, voided the proper succession, and established on the throne a prince of the second rank. Then when the feudal lords had already revolted, (Li) Ssŭ wished to remonstrate. Was this not late? Men all think that (Li) Ssŭ underwent the five punishments and died because he was the acme of loyalty. [3] On examining the fundamentals of the matter, however, I find myself at variance with the common criticism. But for this (lack of loyalty), (Li) Ssŭ's merit would have been in a class with that of Chou and Shao." [4]

[1] The title held by Ssŭ-ma Ch'ien, author of the *Shih Chi.*

[2] 六藝, usually enumerated as ceremonial observances, music, archery, chariot driving, writing and mathematics; or as comprising the books of odes, history, rites, the Spring and Autumn Annals, Changes and of music.

[3] For example, in Yang Hsiung's (53 B.C.—A.D. 18) *Fa Yen,* ch. 10, it is asked: "Li Ssŭ was the extreme of loyalty, yet Hu-hai gave him the direst punishment. Was his (true) loyalty?" Yang Hsiung answers in very much the same way as does Ssŭ-ma Ch'ien. The *Hsin Hsü,* ch. 3, and the *Shih Chi,* ch. 83, p. 3a, both make similar statements, while the *Shuo Yüan, chüan* 17, near the beginning, states: "Therefore the Marquis of Wen-hsin (i.e., Lü Pu-wei) and Li Ssŭ are ones whom the world considers virtuous."

[4] The Dukes of Chou and of Shao, virtuous men who did much to help establish the Chou dynasty.

CHAPTER III

OTHER SOURCES FOR THE LIFE OF LI SSŬ

From a literary point of view the biography of Li Ssŭ is a brilliant piece of work. It gives us a striking picture of the man and records at great length his speeches and throne memorials. Nevertheless it contains a number of curious gaps, and wholly ignores several important events in Li Ssŭ's life. Some of these are recorded elsewhere in the *Shih Chi*, especially in the sixth chapter, devoted to the reign of Ch'in Shih-huang-ti; others can be obtained from other sources. By piecing these disconnected fragments together, then, let us see what we can do to round out the details of Li Ssŭ's life. Once we have those clearly before us, we shall be ready to discuss the reliability of the biography itself in the next chapter.

1. THE EARLY YEARS

The biography of Li Ssŭ tells us that he was born in the state of Ch'u, at Shang-ts'ai, a place in what is now southeastern Honan. From his own words we may gather that he must have come of a humble family, for on two occasions he speaks of himself as a 'commoner' (*pu i* 布衣).[1] But when was he born? The *Shih Chi* does not tell us this, the first definite date in his biography being his arrival in Ch'in just after the death of King Chuang-hsiang, i.e., late in 247 B.C. We know that Li Ssŭ died in the late summer of 208, so that he held office in Ch'in for thirty-nine years. Before his arrival in Ch'in, however, he had studied, perhaps for some years, under the Confucian, Hsün Tzŭ. From these facts we may conclude

[1] See above, pp. 25, 30.

that Li Ssŭ was already a man of some maturity when he went to Ch'in.

Such a hypothesis is corroborated by what the biography says about Li Ssŭ when he was brought from prison for punishment in 208: "While Li Ssŭ was being taken out from the prison together with his second son, he looked at him and said: 'Even if I and you wished once more to lead a yellow dog and go together out of the east gate of Shang-ts'ai in pursuit of the crafty hare, could we indeed do so?' " [1] The fact that while Li Ssŭ was still living in his native town of Shang-ts'ai, he already had a second son who was old enough to go hunting with him, shows that he was probably over thirty when he went to Ch'in. Perhaps we shall not be far wrong, then, if we suppose that Li Ssŭ was born somewhere around 280 B.C. This would make him about thirty-four years of age when he arrived in Ch'in in 247, and seventy-three when he met his death in 208. [2]

The fact that Li Ssŭ, together with Han Fei Tzŭ, studied under the noted Confucian, Hsün Tzŭ, is recorded not only in Li Ssŭ's own biography, but in those of Hsün Tzŭ and Han Fei Tzŭ as well. [3] We must not conclude from this, however, that Li Ssŭ, any more than Han Fei, was particularly interested in Confucianism. More probably he had a desire to study under the man who was generally recognized as being the outstanding scholar of his day. This view is confirmed by the fact that Li Ssŭ's native town of Shang-ts'ai was separated from Lan-ling, [4] where Hsün Tzŭ was then living, by about two hundred miles, which was no small distance in those days.

Indeed, the different viewpoints of the two men, the one a humanist, who was forever stressing the Confucian virtues; the other a stern realist, who would acknowledge only the bitter exigencies of a situation, is clearly illustrated in a conversation between the two, which we find recorded in Hsün Tzŭ's own works: [5]

"Li Ssŭ questioned the Master, . . . saying: 'Ch'in's armies for four generations have been victorious; it is the strongest state within

[1] See p. 52.

[2] In this paragraph I have followed the hypothesis proposed by Ch'ien Mu, *Hsien-Ch'in Chu-tzŭ Hsi-nien*, p. 440.

[3] *Shih Chi*, ch. 74, p. 2a, and ch. 63, p. 2a.

[4] Fifty *li* east of I 嶧 hsien, in southern Shantung.

[5] *Hsün-tzŭ*, ch. 15 (translation of Dubs, pp. 169—170).

the seas; it has overawed the feudal lords. This has not been done by 'benevolence' and 'righteousness',[1] but simply by taking advantage of the course of events.'

"The Master. . . replied: 'It is not as you think. What you call advantage is an unadvantageous advantage. What I call 'benevolence' and 'righteousness' is the most 'righteous' advantage. This benevolence and righteousness is that wherewith to reform government. When the government is reformed, the people are attached to their ruler; they rejoice in their prince and readily die for him. Hence it is said: Of all military affairs, generals and leaders are what come last. Ch'in for four generations has been victorious, but it has been continually fearful that the whole world would unite to crush it. . . Now you do not seek for what come first (i.e., benevolence and righteousness), but seek for what come last (i.e., the generals, etc., mentioned in the saying above). This is why the present generation is in disorder.' "

It was probably this fundamental difference of opinion that led Li Ssŭ to take leave of Hsün Tzŭ. Hsün Tzŭ differed from the earlier Confucians, inasmuch as he maintained that human nature, if left to itself, is evil. He remained Confucian, however, in his stress on the necessity for education and moral values, through which, he believed, man could be taught to be good. The Legalist school, on the other hand, whose ideas were followed by Li Ssŭ, wholly denied the need for education and moral values, and placed sole reliance on severe laws.[2]

After taking his departure from Hsün Tzŭ, Li Ssŭ went from Ch'u to the state of Ch'in, where he felt he could find greater possibilities for putting his ideas into practice. His arrival there in 247, and his attachment as a follower to Lü Pu-wei, who was then regent, are verified by what the sixth chapter of the *Shih Chi* tells us, in its description of conditions at the beginning of Ch'in Shih-huang's reign:[3]

"Lü Pu-wei was Councillor. He was enfieffed with one hundred thousand households, and his title was Marquis of Wen-hsin. He attracted about him pensioners and travelling scholars, wishing thereby to unify the world. Li Ssŭ was one of his followers."

[1] The Confucian virtues of *jen* 仁 and *i* 義 respectively.
[2] See below, pp. 192, 195—197.
[3] *Mém. hist.*, II, 101—102.

2. THE DECREE FOR THE EXPULSION OF ALIENS

Following Li Ssŭ's arrival in Ch'in, he obtained, through Lü Pu-wei, an interview with the King of Ch'in, who first made him Senior Scribe (*chang shih* 長史), and then gave him the title of Alien Minister (*k'o ch'ing* 客卿). After this we next hear of him protesting, in his famous memorial, against the decree ordering the expulsion of all aliens from Ch'in. This decree, which would have completely overthrown the traditional Ch'in policy of employing advisers from other states, and which Li Ssŭ clearly saw would destroy Ch'in's growing greatness, was made, according to the *Shih Chi's* sixth chapter, in 237 B.C.[1] It was inspired, so the biography tells us, by a certain man named Cheng Kuo, who had been sent by the state of Han to weaken Ch'in by engaging its men and resources in the construction of a costly canal. The event is described in greater detail in the chapter of the *Shih Chi* that deals with rivers and canals:[2]

"At this time (the ruler of) Han, hearing that Ch'in was doing well in its affairs, wished to check it and prevent it from attacking toward the east. He thereupon sent a hydraulic engineer named Cheng Kuo, who treacherously advised Ch'in to make a canal that would lead the waters of the Ching river, starting from west of Chung mountain and Hu-k'ou, along the whole length of the northern mountains, and drain into the Lo river in the east.[3] It would be more than three hundred *li* long, and would be used for irrigation of the fields.

"The work was already half done when the ruse was discovered. The state of Ch'in wished to put Cheng Kuo to death, but the latter said: 'At first I was indeed a traitor, but now once the canal is

[1] *Mém. hist.*, II, 112—113.

[2] *Mém. hist.*, III, ii, 523—525.

[3] The Ching river is a tributary of the Wei 渭, entering the latter from the northwest at a point not far east of the Ch'in capital, Hsien-yang. On the Ching river, not far from its meeting place with the Wei, is the town of Ching-yang 涇陽, and north of this town is Chung mountain, while neighboring it is Hu-k'ou. The canal would thus start from the Ching river, at a place near Ching-yang, and flow northeast into the Lo river, a tributary of the Yellow river, at a spot probably near the present town of Ta-li 大荔.

completed, it will also be to Ch'in's advantage.' (The King of) Ch'in agreed with this, and ended by having the canal completed. When it was finished, it was used for leading away the stagnant waters and for irrigating the alkali fields, the whole amounting to more than forty thousand *ching*.[1] Within the entire territory there ensued harvests amounting to one *chung* per *mou*.[2] Thereupon the land within the passes became a fertile plain and there were no more bad years. Ch'in in this way became rich and powerful, and ended by conquering the feudal lords. For this reason the canal was named Cheng Kuo's Canal."

It is difficult to imagine that this romantic story gives us the true explanation of what inspired the building of the canal; it has all the earmarks of a story invented afterward to explain what had already taken place. Yet there is no reason on this account to doubt the building of the canal itself. It was the most conspicuous, yet only one of many measures, which Ch'in, in accordance with Legalist doctrine, had long been making for the development and encouragement of agriculture.[3] By completing the canal, Ch'in seems to have succeeded in creating for itself a 'key economic area' in western China, which probably helped it not a little to complete its conquest of the rest of China in 221.[4]

Nor is it necessary to doubt the fact that Cheng Kuo, a native of Han, was employed to build the canal, for Ch'in, as we know, had long followed a policy of employing experts from outside states. It is only the explanation that this canal was a 'plot' engineered by the King of Han for Ch'in's downfall, which sounds a little fantastic. Perhaps the story of the 'plot' grew up originally in the minds of the common people who were compelled to do the forced labor that made the canal possible, and in the minds of the great families who were jealous of the positions held by aliens.

Even if we accept the traditional story of the canal as a fact, however, there is a chronological difficulty which makes it impossible to link it, as Ssŭ-ma Ch'ien has done, with the decree for the

[1] One *ching* 頃 is equivalent to one hundred *mou* 畝 or Chinese acres.

[2] One *chung* 鐘 is equal to four *tou* 斗, or Chinese pecks.

[3] For Ch'in's connection with the Legalist policy of encouraging agriculture, see p. 171.

[4] For the importance of this canal to Ch'in, see Ch'ao-ting Chi, *Key Economic Areas in Chinese History*, pp. 75—78.

expulsion of aliens. For this decree, as we have already seen, was promulgated in 237; yet in the chronological table of the fifteenth chapter of the *Shih Chi,* the commentator, P'ei Yin, places the construction of the Cheng Kuo canal ten years earlier, under the year 246, the first of Ch'in Shih-huang's reign. In so doing, he is probably prompted by the brief account of the construction of the canal, as given in the *Ch'ien Han Shu,* which commences with the words: "In the beginning (*ch'u* 初) of Shih-huang. . . .", etc. [1]

Liang Yü-sheng, in his *Shih-chi Chih-i,* offers a good solution to the problem, when he suggests that the decree for the expulsion of aliens of 237 was not prompted by the building of the Cheng Kuo canal at all, but by the revolt of Lao Ai, which occurred in 238. [2]

The events leading up to this revolt are as follows: When Ch'in Shih-huang ascended the throne in 246, he was but a boy, and for many years the real rule lay in the hands of the noted statesman, Lü Pu-wei. This man, who had started out in life as a merchant in what is now Honan, had once held as his concubine a woman who later married into the Ch'in royal family, and who soon afterward became the mother of Ch'in Shih-huang. Indeed, history goes so far as to say that Lü Pu-wei was himself the actual father of Ch'in Shih-huang. [3] In any case, after his former concubine married into the Ch'in family, Lü Pu-wei, through clever intrigue, succeeded in becoming the most powerful man in Ch'in, and continued to carry on his former relations with the queen mother during the early years of Ch'in Shih-huang's reign. As the young king became older, however, Lü Pu-wei became alarmed lest he might hear of the intrigue, and so he selected one of his followers, a notorious and lecherous man named Lao Ai, to replace himself in the affections of the queen mother. This the latter did so successfully that he speedily became the scandal of the whole Ch'in kingdom.

Such was the state of affairs in 238, when the young Ch'in ruler, then only twenty-two years old, donned the cap and sword which symbolized that he had reached man's estate, and prepared to take the rule into his own hands. [4] At about the same time he learned of the disgraceful affair that was going on between his mother

[1] See ch. 28b, p. 6a.

[2] See *chüan* 31.

[3] See his biography in the *Shih Chi,* ch. 85.

[4] *Mém. hist.,* II, 108.

and Lao Ai, and decided to take strong action. The latter, hearing that the intrigue was known, started an abortive revolt, but was defeated, and suffered execution by being pulled apart by chariots. In the succeeding year, 237, Lü Pu-wei, because he was implicated with Lao Ai, was also removed from office and sent into exile, and two years later, in 235, he committed suicide by drinking poison.

The fact that both Lü Pu-wei and Lao Ai were not natives of Ch'in, and that their downfall in 238 and 237 was followed so closely by the decree ordering the expulsion of all aliens from Ch'in in the latter year, makes it indeed seem plausible that the decree came as an outcome of the revolt. In any case, Ssŭ-ma Ch'ien seems to be wrong when he tries to link the decree with the making of Cheng Kuo's canal, which took place ten years earlier.

3. LI SSŬ AND HAN FEI TZŬ

A very puzzling problem connected with Li Ssŭ, and one that his biography passes over in complete silence, is that of his relations with his famous fellow student, Han Fei Tzŭ. Han Fei Tzŭ, who was the most famous of the Legalist thinkers, was a scion of the royal family of Han, a state which, because of its propinquity to Ch'in, was in constant danger of being absorbed by the latter. Many attempts had been made by Ch'in to accomplish this end. Some of them, together with the events leading up to Han Fei Tzŭ's mission to Ch'in, and his subsequent tragic death, are described in the sixth chapter of the *Shih Chi* as follows: [1]

"In the tenth year (237)... there was a general demand for the expulsion of aliens. Li Ssŭ offered his advice in a memorial to the throne, whereupon the order for the expulsion of aliens was halted. Li Ssŭ then counselled the King of Ch'in, suggesting that Han should be seized first of all so as to terrify the other states. Thereupon Li Ssŭ was deputed to bring Han to submission. The King of Han, alarmed by this, formed plans with Han Fei to weaken Ch'in... During this time Li Ssŭ was employed in affairs...

"In the fourteenth year (233) . . . Han Fei was sent on a mission to Ch'in. Ch'in followed the plan of Li Ssŭ and detained (Han) Fei.

[1] *Mém. hist.*, II, 112—117.

(Han) Fei died at Yün-yang.[1] The King of Han requested to become a subject."

In the *Shih Chi*'s chapter about the state of Han, the affair is described with a slight difference: "In the fifth year of King An (234), Ch'in attacked Han. Han, finding itself in peril, sent Han Fei on a mission to Ch'in. Ch'in retained (Han) Fei and then put him to death. In the ninth year (230), Ch'in made King An prisoner and completely occupied his territory."[2]

Thus came the final subjugation of Han. This account differs from the preceding one, inasmuch as it states under the year 234 that Han Fei was sent to Ch'in, whereas in the former account the year is given as 233.[3] The discrepancy is easily explained, however, if we assume that Han Fei left Han late in 234, but did not arrive in Ch'in untill the beginning of 233.[4] In the *Shih Chi's* biography of Han Fei Tzŭ, the whole incident is described in greater detail, and in such a way as to show that Li Ssŭ was directly responsible for Han Fei's death:[5]

"Someone transmitted his (Han Fei's) writings to Ch'in. When the King of Ch'in saw the writings entitled 'Single Ardor' and 'The Five Lice',[6] he said: 'Alas! If I could once catch sight of this man and move with him, I should die without regret.' Li Ssŭ said: 'These writings have been made by Han Fei.'

"Ch'in, in order to meet a critical situation, attacked Han. The King of Han had at first not employed (Han) Fei, but when this emergency arose, the King sent him as an emissary to Ch'in. Although the King of Ch'in was delighted with him (i.e., Han Fei), he did not yet trust him enough to use (his counsel). Li Ssŭ and Yao Chia did him injury and slandered him, saying: 'Han Fei is one of the princes of the House of Han. At present Your Highness wishes to annex the feudal lords. But unto the end (Han) Fei will act for Han and not for Ch'in. Such is human nature. If now Your Highness does not use (his counsel), but returns him after detaining him for a long time, this will be bringing disaster upon yourself. The best

[1] A town northwest of the present Shun-hua 淳化 hsien in Shensi.
[2] *Mém. hist.*, V, 222.
[3] This latter date is confirmed in the chronological table in the *Shih Chi*, ch. 15.
[4] See Ch'ien Mu, *op. cit.*, p. 442.
[5] Ch. 63, p. 3b.
[6] Chs. 11 and 49 of the present *Han-fei-tzŭ*.

thing to do would be to punish him for having transgressed the laws.'

"The King of Ch'in agreed to this, and sent an officer to judge (Han) Fei. Li Ssŭ sent a man who gave (Han) Fei (poisonous) drugs, and induced him to commit suicide. Han Fei had wished to state his own case, but was unable to secure an interview. Later the King of Ch'in felt regret and sent a man to pardon him, but by that time (Han) Fei had already died."

Thus did Li Ssŭ shamefully put to death a man who had once been his fellow student, who was a foreign envoy, and with whose Legalistic ideas he himself was in full sympathy. Did he sincerely believe that death was the only way to rid Ch'in of Han Fei's machinations? Or was this belief tinctured by the fear that he himself might be supplanted by Han Fei in the graces of the Ch'in ruler, who had already shown such great interest in Han Fei's writings? The second theory is strengthened by a statement which appears in Han Fei's biography, preceding the quotation just given, and which reveals that Li Ssŭ's jealousy of Han Fei may have already been of long standing: "Together with Li Ssŭ, he (Han Fei) studied under Hsün Ch'ing. (Li) Ssŭ considered himself not equal to (Han) Fei." [1]

Yet Li Ssŭ may not have been wholly actuated by personal motives in his deed. He was living in an age when only forceful and ruthless actions could prevail against opponents whose methods were as unscrupulous as one's own. Though Han Fei Tzŭ is said to have suffered from a defect in his speech which prevented him from being a great orator, he was a skilful writer, whose specious arguments might well blind the eyes of the youthful Ch'in ruler.

In this connection, we must turn our attention to the second chapter of the *Han-fei-tzŭ,* entitled 'On Preserving Han', which is closely germane to the whole Li Ssŭ-Han Fei affair. This interesting chapter reads as follows: [2]

13 "(Han Fei's memorial to the King of Ch'in stated:) 'Han has served Ch'in for more than thirty years. Abroad it has acted as a (protecting) barrier, and at home as a straw mat. [3]. When Ch'in

[1] *Shih Chi,* ch. 63, p. 2a.

[2] A translation of this chapter appears in Ivanov, *Materialy po Kitaskoi Filosofii, Vvedenie, Shola Fa,* pp. 9—12, lxix—lxxv.

[3] I.e., a mat upon which one may sit, a figure of speech indicative of its submission to Ch'in.

has sent forth its spirited soldiers with the special intention of capturing territory, Han has accompanied them.[1] The rage of the world hangs over (Han), whereas the deeds that have been accomplished redound to the mighty Ch'in. Han, moreover, has sent in its tribute as if it were in no wise different from a commandery or a prefecture.

" 'But today your humble servant has heard the plan of your honorable minister (i.e., probably Li Ssŭ) of raising an army to attack Han. Now the House of Chao has been assembling soldiers and maintaining followers, wishing to attach to itself the whole world's soldiers. It is evident that unless Ch'in lose its vigor, the ancestral temples of the feudal lords are all doomed. But its (i.e. Ch'in's) wish to make them face westward and carry out its ideas, is not a plan that can (be realized) in a single day. And now if it neglects the danger from Chao and annexes Han, its inner vassal, then the world will clearly become a project for Chao.[2]

" 'For Han is a small country, and for a long time now, by having had to withstand the attacks of the world coming from the four (quarters), its lord has been shamed, its ministers distressed, and both superior and inferior have been grieving together. (As a result) it (Han) has made its preparations for defence, and guards itself against powerful opponents. It has accumulated supplies, and has constructed walls and moats for its protection, so that if now (Ch'in) were to attack Han, within a year it would still be unable to annihilate it. And if, having seized one city by storm, it were then to retreat, its power would be regarded lightly by the world, 14
and the world would strike at our (i.e., Ch'in's) armies!

" 'Suppose that Han were to revolt, then Wei would follow it, while Chao would look to Ch'i for support. If this were the case, with Han and Wei supporting Chao, and the latter relying on Ch'i to strengthen its north-to-south alliance, then a struggle with it for supremacy would result in good fortune for Chao and calamity for Ch'in. When (Ch'in) advanced to strike Chao, it would be unable to capture it, and when it withdrew to attack Han, it would fail to seize it. Its death-dealing soldiers would exert themselves to the

[1] Reading 取地而韓隋之, instead of 取韓地而隋之, according to the text correction of Wang Hsien-shen 王先愼 (nineteenth century).

[2] I.e., the world will fall a victim to Chao's plans of conquest.

utmost upon the field of battle, while its squads of supply bearers would become exhausted by their labors within. Then your united hosts would suffer and become weakened in their struggle against twenty thousand chariots.[1] Such is not the way (to fulfil) your intention of destroying Chao.[2] And even if everything should go according to the plans of your honorable minister,[3] Ch'in would inevitably become a target for the armies of the world! Although Your Majesty were to offer a determined resistance (as hard as) that of metal and stone (being rubbed together), the day of uniting the world would still not come.

"'Now the stupid plan of your humble servant would be to send a man to Ching (i.e., Ch'u) to give heavy bribes to men who are in employment there; to explain to them the way in which Chao deceives Ch'in; and also to give hostages to Wei so as to put its mind at rest. If then you were to attack Chao,[4] the latter, even combined with Ch'i, would not suffice to form a danger. And once the affairs of these two states had been concluded, Han could be settled through
15 the mere sending of a letter. Through our one act, two states would be doomed, and Ching and Wei would then also be forced to submit. This is why there is the saying that 'Weapons are inauspicious implements.'[5] They should be used with discrimination.

"'If Ch'in is to fight Chao, then (in any case) Ch'i will be added

[1] I here omit the two characters 而共, following the textual emendation of Wang Wei 王渭 (1777—1817). The mention of twenty thousand chariots probably refers to the states of Ch'i and Chao, who on p. 68 are mentioned as having formed an alliance against Ch'in, and as opposing it with twenty thousand chariots. In ancient China, ten thousand chariots was considered as the military force of a first class state.

[2] The commentary suggests that the word Chao is here a mistake for Han, but I see no necessity for making such a correction, inasmuch as Chao rather than Han has been the subject of the preceding sentences. Moreover, it is hardly likely that Han Fei Tzŭ would thus refer openly to Ch'in's destruction of Han, his own state.

[3] This is probably another reference to Li Ssŭ (see above, p. 65). The text reads 人 (man), but Lü Wen-ch'ao 盧文弨 (1717—1795) states that there is one text which reads 臣 (minister).

[4] The text reads: "If from Han you were then to attack Chao," but I omit the word Han, following the emendation of Yü Yüeh 俞樾 (1821—1906), who points out that the whole purpose of Han Fei's speech is to dissuade the King of Ch'in from attacking Han, and induce him to attack Chao instead.

[5] See the *Tao Te Ching*, ch. 31, which contains a similar saying.

(against Ch'in) in an east-to-west alliance. And yet it (Ch'in) would furthermore turn its back upon Han, without having done anything to make certain of the intentions of Ching and Wei. Now, if for even a single battle it were not victorious, disaster would overtake it. Planning has as its aim the settling of affairs, and therefore should be carefully considered. The turning of Ch'in's strength to weakness solely depends upon this year. [1]

" 'Chao, moreover, has long been secretly plotting with the feudal lords. A single movement which makes you weak before the feudal lords, is indeed a dangerous matter! To make a plan which gives the feudal lords the idea of attacking you, is most perilous! To display this twofold carelessness is not the way to be powerful before the feudal lords. Your humble servant begs Your Majesty kindly to consider the matter carefully. Once an attack has been made which will give an opportunity for making north-to-south alliances, it will be too late to regret.'

"The memorial submitted by the foreigner from Han, saying that 16
(the Ch'in armies) should not be raised against Han, was communicated to the minister, (Li) Ssŭ, who strongly disagreed with it, (and replied):

" 'Ch'in possesses Han in the same way as a man has a disease of the heart or the stomach. [2] If he remains quiet, it pains him, as if he were lying on damp ground; (the disease) remains without disappearing and when he suddenly moves, it breaks out. [3] Now although Han is Ch'in's vassal, there has never been a time when it has not been a disease to Ch'in, and if at present there were to be a sudden (attempt at) retaliation (against Ch'in), Han could not be trusted. [4] Ch'in is having difficulty with Chao, and Ching Su [5]

[1] I take the word *han* 韓 as an error for *chuan* 轉, on the assumption that Han Fei would not speak of his own state, Han, in the same breath with Ch'in. Some texts wrongly read *chuan* for *han* in the sentence given a few lines above ("Han could be settled through the mere sending of a letter"), whereas actually *chuan* should replace *han* at this point.

[2] A common metaphor of the time. The identical sentence occurs in a speech made by Fan Sui to the King of Ch'in, in *Shih Chi,* ch. 79, p. 2b. The metaphor also occurs in *Kuo Yü* (*Wu Yü,* 3); *Chan Kuo Ts'e* (*Chao Ts'e,* I, 11); and *Shih Chi,* ch. 68 (see Duyvendak, *op. cit.,* p. 20).

[3] This follows the interpretation given by Yü Yüeh.

[4] Yü Yüeh would read 報 as 赴 (to go to), but it seems to me that it makes better sense if kept in its original meaning of 'retaliation'.

[5] Apparently a Ch'in envoy.

has been sent to Ch'i, with what result is still uncertain. As I see the matter, the alliance of Ch'i with Chao will not necessarily be cut
17 short by Ching Su. And were it not severed, this would mean that they would be united against Ch'in [1] and would oppose it with twenty thousand chariots.

"'Now Han does not submit to Ch'in's (feudal) right (*i* 義), but submits only to force, so that if we were to devote ourselves wholly to Ch'i and Chao, Han would inevitably become like a disease of the heart or stomach that breaks out. If Han should form a plot with Ching (i.e., Ch'u), and the other feudal lords were to respond to it, Ch'in would inevitably suffer another disaster at the pass of Hsiao.[2] (Han) Fei's coming here can have no other purpose than, by succeeding in preserving Han, to gain an important position in Han (for himself). He makes dialectical speeches and well rounded phrases, and utters falsehoods and invents cunning plots, all (outwardly) for Ch'in's great benefit, while (actually) he spies on Your Majesty for Han's benefit. If an alliance is concluded between Ch'in and Han, then (Han) Fei will gain favor. This is a plan for his own profit. I have observed (Han) Fei's words and writings. His vicious speech and extravagant arguments show extreme cunning. I fear lest Your Majesty may become infected by (Han) Fei's arguments and listen to his harmful mind, and therefore not examine matters clearly.

"'Now according to my stupid advice, Ch'in should send forth troops, but without naming whom they are going to attack. Then those who are in office in Han will make plans for serving Ch'in. I, your servant, (Li) Ssŭ, request to go to see the King of Han, and to persuade him to come and pay a visit to Your Majesty. Taking advantage of this occasion, when for this visit he puts his person into our hands, we shall not let him go back, but shall gradually summon the ministers of his court and thus be able, (using the king as a pawn), to make a deal with the Han people. Thus it will be possible to cut off a large piece of Han territory.

[1] The text reads Chao, but this is corrected to Ch'in by Wang Wei.

[2] One of the 'nine barriers' of Ch'in, fifty *li* north of the present Yung-ning 永寧 hsien in Honan. This perhaps is an allusion to the conflicts mentioned on p. 70, note 1, as taking place at Han-ku, another of the 'nine barriers' of Ch'in.

" 'Then under the command of Meng Wu, [1] we should send out troops of the eastern commanderies. Perceiving the armies along the border, without their destination being named, the people of 18
Ch'i will become alarmed, and will follow the plan suggested by (Ching) Su. [2] Thus without our troops having yet gone beyond (our borders), the obstinate (ruler of) Han will have been captured through intimidation, while powerful Ch'i will have been made to follow by (a sense of) its proper duty. When this is heard of among the feudal lords, the House of Chao will lose its courage and the people of Ching, becoming suspicious (of the other states), will inevitably have loyal intentions (toward Ch'in). Once the people of Ching do not move, Wei can no longer be accounted dangerous. Then the feudal lords can little by little be worn out, and we shall be able to be a match for Chao. May Your Majesty be so kind as to consider the plan of his stupid servant and not disregard it.'

"Ch'in thereupon sent (Li) Ssŭ on a mission to Han. Li Ssŭ went to speak with the King of Han, but was unable to obtain an interview. He therefore submitted a memorial which stated:

" 'Formerly, when Ch'in and Han united their efforts towards the single purpose of mutual non-aggression, no one in the world dared to invade them. This state of affairs lasted for several generations, so that on one former occasion when five feudal lords united to attack Han, Ch'in sent soldiers to rescue it. [3] Han's territory, centrally located among the states, amounts to less than one thousand *li,* and the reason why it has been able to maintain its position among the other feudal lords in the world, and why its rulers and people have been able to preserve each other, is that generation after generation have instructed each other to pay allegiance to the might of Ch'in. [4] Yet there was one occasion

[1] One of the Ch'in generals, father of the builder of the Great Wall, Meng T'ien. The word *hsiang* 象 is here an error for *meng* 蒙.

[2] See p. 67, note 5.

[3] According to *Shih Chi,* ch. 45, this happened in 273, when Ch'in rescued Han from an attack by Chao and Wei. See *Mém. hist.,* V, 220—221. According to the chronological table in *Shih Chi,* ch. 15, the event occurred in 276.

[4] This statement is hardly correct, for there were many occasions on which Han was forced to humiliate itself by sending its rulers or prominent nobles to Ch'in to plead for better treatment, i.e., in 348, 314, 302, 284 and 282. See *Mém. hist.,* V, 205, 210, 211, 219. On the other hand there is only one occasion, i.e., the one above mentioned, on which Ch'in actually gave help to Han.

in the past when five of the feudal lords attacked Ch'in in unison, and when Han turned upon (Ch'in) and was the first to lead the way
19 against the Ch'in army beneath the pass.[1] But then, when the armies of the feudal lords had expended their strenght to the utmost, the feudal lords had no alternative except to halt these armies.[2]

"'Tu Ts'ang, who was then minister in Ch'in, thereupon levied soldiers and dispatched generals to seek revenge for the anger vented upon (Ch'in) by the world.[3] And first of all these attacked Ching.[4] The Prime Minister of Ching was alarmed by this, and said: 'Han considered Ch'in to be unrighteous and yet kept on an intimate footing with Ch'in, so that together they caused the whole world to suffer. Then it again abandoned Ch'in and was the first in the ranks (of the feudal lords) to attack the pass. Han thus occupies a central location among the states that is ever changing in a way that is unfathomable.' (After this) the confederacy of states[5] cut off ten cities from Han's upper territory, so

[1] I.e., the pass of Han-ku (see p. 14, note 2). In 298, Han, together with Ch'i and Wei, attacked Ch'in. See *Mém. hist.*, V, 218. Again, together with Ch'i, Wei, Chao, Sung and Chung-shan 中山, it attacked Ch'in in 296. See *op. cit.*, II, 80—81.

[2] Here again Li Ssŭ glosses over the facts. Actually the allied armies halted only because Ch'in ceded territory to them.

[3] This Tu Ts'ang is said to be the same person as a certain Shih Ts'ang 士倉 mentioned by Lü Pu-wei in the *Chan Kuo Ts'e* (*Ch'in Ts'e*, V, 5) as giving assistance to the crown prince of King Hsiao-wen of Ch'in. This is impossible, however, as serious discrepancies exist between the *Chan Kuo Ts'e* account and the account given in Lü Pu-wei's biography (*Shih Chi*, ch. 85). See Ch'ien Mu, *Hsien-Ch'in Chu-tzŭ Hsi-nien*, p. 454.

[4] This was in the three years, 280—278. See *Mém. hist.*, II, 86—87.

[5] The term *t'ien hsia* 天下 (lit., 'heaven below'), has in later times commonly been used to designate the Chinese empire, and also often occurs in a looser sense as meaning 'the world', in which way it has been several times translated above. Prior to the Ch'in unification of 221, however, when no real Chinese 'empire' could be said yet to exist, the term generally refers to that part of the world which was known to the Chinese, i.e., to the group of Chinese states which, despite their constant wars, were theoretically, at least, linked together by their common allegiance to the Chou dynasty.

as to appease Ch'in and to (induce it to) disband its armies [1].

" 'Thus as soon as Han turned upon Ch'in, the result was that its country was pressed, its territory invaded, and its armies have remained weak down to the present time. The cause for all this has been the attention paid to the vicious words of evil ministers, and a failure to weigh accurately the realities of the situation. Even though you were now to execute the evil ministers, therefore, you would be unable to restore Han to power. At the present time Chao wishes to assemble soldiers for a campaign against Ch'in, and has sent a man to borrow the use of a road (through your territory), saying that it wishes to attack Ch'in. But if it wishes to attack Ch'in, its power will necessarily first be expended against Han, and only afterward against Ch'in. I have furthermore heard that 'When the lips are gone, the teeth are cold.' [2] Ch'in and Han cannot be without the same sorrows. [3] This is a manifest fact. And so when Wei wished to send troops to attack Han, Ch'in sent men to take its (i.e., Wei's) emissary to Han (as a proof of its good faith).

" 'At the present time the King of Ch'in has sent me, (Li) Ssŭ, here, and I have failed to secure an interview. I fear that your entourage continues the policy of the former evil ministers, which will result in Han once more suffering the disaster of losing territory. Your servant, (Li) Ssŭ, having failed to obtain an interview, requests leave to return to report (what has happened), whereupon the alliance between Ch'in and Han will unquestionably be terminated.

" 'I, (Li) Ssŭ, was sent here to transmit the good intentions of the King of Ch'in, who desired to effect an advantageous arrangement. Why does Your Majesty frustrate (the intentions of) his humble servant? [5] Your servant, (Li) Ssŭ, desires to obtain a single interview. If after first having advanced to outline his stupid plan, upon retiring, he were to suffer death (in Han) by being cut to

[1] In 262, Ch'in attacked Han and captured ten cities, but it is uncertain whether this is the event referred to here or not. If it is, it failed to halt Ch'in's armies, for in 260 Ch'in defeated Chao and killed, according to the records, 400,000 Chao soldiers. See *Mém. hist.*, II, 91.

[2] A common saying of the time.

[3] I.e., the misfortune of one is the misfortune of the other.

[4] It is not known what event this refers to.

[5] Li Ssŭ's use here of the term 'Your Majesty' (*pi hsia* 陛下), in addressing the ruler of a state other than his own, is quite remarkable.

pieces, he would wish Your Majesty to have an idea (of the consequences). Should he be executed in Han, then you, great King, would not thereby be able to become strong. If you do not listen to your servant's plan, calamity must inevitably overtake you! Once having sent forth its armies, Ch'in will not delay their march, and then there will be sorrow indeed for Han's altars of the soil and grain! If the corpse of your servant, (Li) Ssŭ, should be exposed upon the market-place of Han, then even should you desire to examine the stupid but sincere proposal of your humble servant, it would be impossible. When your border towns are in ruins, when you are busy protecting the state defences, and when the sound of the drums and bells (of battle) rings in your ears, then indeed it will be too late to make use of (Li) Ssŭ's plan!

"'Moreover, (the weakness of) Han's armies is known in the world, and yet now it would once more turn itself against mighty Ch'in. When its cities have been lost and its armies defeated, bandits will arise from within, who will seize the cities. When the cities are lost, your forces will be scattered, and when your forces are
21 scattered, you will be without army. Even were your cities well defended, Ch'in would certainly march troops to besiege your royal capital. And once the communications were cut off, plans would certainly have to be made (for averting) calamities. The hopelessness of such a situation is due to the ineptness of the schemes of your associates.

"'May it please Your Majesty to consider this carefully. If in what I have said there be anything not in accord with the facts, may you, great King, have the kindness to allow me first to finish my words, after which it will still not be too late to have me executed by an official. The King of Ch'in no longer finds his drink and food sweet, nor takes pleasure in his strolls. His mind is concentrated upon his plans about Chao, and when he sent me, (Li) Ssŭ, to come here to speak, he wished me to obtain a personal interview, in order to formulate a plan with Your Majesty that would meet the urgency (of the situation). So if now an envoy may not have any communication with you, then Han's good faith will no longer be known, in which case Ch'in will certainly disregard the danger from Chao and move its troops toward Han. May it please Your Majesty to have the goodness to consider this matter once more, and to grant to your servant the favor of making a definite report.'"

This long and rather complex chapter may, for the sake of clarity, be divided into the three following parts:

(1) A memorial submitted to the King of Ch'in by a person who is not directly named, but who is obviously Han Fei. In eloquent terms this person asks Ch'in to desist from its intention of launching (or perhaps, we may suppose, of continuing) its military campaign against Han, and to attack Chao instead.

(2) A counter memorial submitted by Li Ssŭ, strongly urging the Ch'in ruler not to listen to the arguments of Han Fei, whom he specifically names, and to go ahead with the plans for the conquest of Han. In this memorial Li Ssŭ asks that he himself be sent to Han to see the King of Han, and, if possible, persuade the latter to come to Ch'in. By this bold stroke he hoped to make a prisoner of the King of Han, which would thus place Han at Ch'in's mercy.

(3) As a result of this memorial, Li Ssŭ goes to Han, where, however, he fails to obtain a personal interview with the Han ruler, and so submits a memorial. In this memorial, the wording of which shows that Li Ssŭ must have been in great personal danger while in Han, he threatens the Han ruler with dire consequences if the latter should execute him without first listening to his demand for a Ch'in-Han alliance. The chapter ends with this appeal of Li Ssŭ, leaving us in complete darkness as to subsequent events.

Obviously this puzzling document does not come from the pen of Han Fei himself, but is a compilation of several records made by some unknown historian. The first part, to be sure, quite possibly contains the actual memorial that was submitted by Han Fei to the Ch'in King, when he was sent to Ch'in on his desperate mission to save Han. The second part, too, containing Li Ssŭ's counter memorial, may be based on fact.

The third part, however, is a puzzle, since in no other source is there record of Li Ssŭ having gone to Han at this time. It would seem dangerous for Li Ssŭ to place himself in Han's power at a time when Han Fei was already being detained in Ch'in, politely, perhaps, but none the less firmly. Also Han's relative weakness at this period would seem to make such a diplomatic mission hardly necessary. On the other hand, we know from his biography that Li Ssŭ was a man both of courage and of ambition. By successfully executing his plan of luring the King of Han to Ch'in, he no doubt hoped to gain both glory for himself and power for his ruler, while

the very fact that Han Fei was detained in Ch'in, as a sort of hostage, would help to give Li Ssŭ security.

Since, therefore, there is no other contradictory evidence, it seems reasonable to accept the credibility of this chapter, and to conclude that Li Ssŭ actually did go to Han in 233. There he apparently succeeded in extricating himself from the dangerous situation into which his boldness led him, though his original plan of luring the King of Han to Ch'in was a failure. But this, after all, hardly mattered, for in any case the annexation of Han by Ch'in occurred only three years later.

According to this theory, then, it was probably after Li Ssŭ returned from his trip to Han that, perhaps partly as a revenge for the difficulties he had suffered there, he turned the Ch'in ruler against Han Fei, and then engineered the latter's death.

One objection to this theory still remains, however, for it will be remembered that in the version of Han Fei's death as given in his biography, it is stated that "Li Ssŭ and Yao Chia did him injury and slandered him." [1] Who was this Yao Chia? The *Chan Kuo Ts'e* gives a story which, if trustworthy, would completely clear Li Ssŭ of all responsibility for Han Fei's death: [2]

"Four states had united and were about to attack Ch'in. The King of Ch'in summoned his various ministers and retainers, amounting to sixty men, and asked them, saying: 'Four states have united in order to plot against Ch'in. I am lacking in resources and my people are exhausted. What is to be done?'

"None of the various ministers replied, but Yao Chia spoke up, saying: 'I beg to go as an emissary to the four states, when I shall certainly put a stop to their plottings and pacify their soldiers.'

"Thereupon, having been presented with one hundred chariots and one thousand pounds of gold; wearing the costume and cap (of an envoy); and belted with a sword; Yao Chia bade farewell and took his departure. He cut short the plottings (of the four states), halted their armies, and formed alliances with them which he reported to Ch'in. The King of Ch'in, greatly delighted, enfieffed (Yao) Chia with a thousand households and made him a high minister. Han Fei came to know of this and said:

"'Bearing pearls and valuables, (Yao) Chia has been sent south

[1] See p. 63.

[2] See *Ch'in Ts'e*, V, 8.

to Ching (i.e., Ch'u) and Wu, and north to Yen and Tai during three years. Alliances with the four states have not definitely been formed, whereas the pearls and valuables have been completely exhausted. While using the King's power and the nation's treasures, (Yao) Chia has, in this affair, been allying himself on the outside with the feudal lords. I beg you, King, to examine the matter. This man, moreover, is the son of a Liang [1] gatekeeper, has been a robber in Liang, and was expelled when he was a minister in Chao. [2] To impart the plans of the state to one who is the son of a hereditary gatekeeper, who was a great robber in Liang, and who, when minister, was expelled from Chao, is not the way to encourage your ministers.'

"The King summoned Yao Chia and asked him, saying: 'I have heard that you have taken my money to make alliances with the feudal lords. Is this true?' 'Yes,' he replied. The King said: 'How then have you the face to return to see me?'

"(Yao) Chia replied: 'Tseng Shen was so filial to his mother that the whole world wished him to be its son. [3] Tzŭ-hsü was so loyal to his ruler that the whole world wished him to be its minister. [4] The skilfulness of a maid is such that the whole world would like to have her as its concubine. And now I, (Yao) Chia, have been loyal to you, oh King, yet you do not realize it. Though I have not returned to the four states, I might still do so (if I were planning treachery). For supposing that I were not loyal to my ruler, the kings of the four states might still make use of me. Chieh listened to slanders and executed his virtuous general. [5] Chou listened to slanders and killed his loyal minister. [6] With the death of these men their countries were doomed. And if now you, oh King, listen to slanders, you will be without loyal ministers.'

"The King said: 'You are the son of a gatekeeper, have been a great robber of Liang, and when a minister, were expelled from Chao.' "

[1] The state of Wei assumed this name, derived from the name of its capital, in 370.

[2] See *Chan Kuo Ts'e* (*Chao Ts'e*, IV, 15), in which Yao Chia urges the King of Chao (with what success we are not told), not to expel him.

[3] Tseng Tzŭ, one of the most famous of the disciples of Confucius, was noted for his filial piety.

[4] I.e., Wu Tzŭ-hsü. See p. 49, note 3.

[5] Kuan Lung-feng. See p. 49, note 1.

[6] Pi Kan. See p. 31, note 4.

Yao Chia, according to the *Chan Kuo Ts'e,* replied to this objection by citing a number of famous men who had risen from unsavoury origins to positions of great prominence, and then continued:

" 'Therefore the intelligent ruler, (when he considers men,) does not accept the bad words spoken about them or listen to their faults, but examines how they may be useful to himself. Therefore when they are able to preserve the state, he does not listen even if from outside sources may come slanders concerning them. And if they are quite lacking in achievement, he does not reward them even though they may have honorable names in the world. In this way, when there is nothing (that they have accomplished), the ministers do not look with expectation (of reward) toward their superior.'

"The King of Ch'in said: 'You are right,' and thereupon returned Yao Chia to office, while he had Han Fei put to death."

Largely on the basis of this passage, Professor Ch'ien Mu goes so far as to suggest that the whole story of Li Ssŭ having caused Han Fei's death, is the invention of scholars who hated Li Ssŭ for the Burning of the Books, and who wished in this way to heap abuse on him.[1] There are at least three reasons, however, why it seems to me that the version of Han Fei's death, as given in the *Chan Kuo Ts'e,* is unreliable:

(1) Wu, one of the four states mentioned in the *Chan Kuo Ts'e* as combining against Ch'in, had been annexed by Yüeh in 473 B.C., almost one hundred and fifty years before the events described here were supposed to have taken place. (2) There is no record of the Yao Chia incident elsewhere, even in the *Shih Chi.* The frequent unreliability of the *Chan Kuo Ts'e* is well known, and the events it describes often have a flavor of romance. (3) It would seem improbable that Yao Chia, after accomplishing such great deeds for Ch'in, should be suspected of treachery by the Ch'in ruler on the mere words of a recently arrived outsider like Han Fei.

For these reasons, I think we are justified in assuming that the *Chan Kuo Ts'e* version is a fabrication, built on the basis of a tradition, in itself quite possibly a true one, that Yao Chia was associated with Li Ssŭ in the slandering of Han Fei. Li Ssŭ's responsibility for the death of Han Fei, on the other hand, though nowhere directly mentioned save in Han Fei's biography, finds a

[1] See Ch'ien Mu, *op. cit.,* sect. 156.

certain corroboration in the *Shih Chi*'s statement that "Ch'in followed the advice of Li Ssŭ and detained (Han) Fei. (Han) Fei died at Yün-yang." [1]

Nor should we be disturbed by the fact that the event passes unnoticed in Li Ssŭ's own biography, for Ssŭ-ma Ch'ien often fails to mention an event in one part of the *Shih Chi*, when this event is recounted elsewhere. The motives, either personal or political, for Li Ssŭ's deed, are sufficiently strong, and make the reasons for absolving him seem unconvincing.

No, Li Ssŭ cannot be freed from responsibility for Han Fei's death, and the curious similarity of the circumstances surrounding this death, and those surrounding his own, make us pity him the less when we read of Li Ssŭ's tragic end.

4. THE UNIFICATION OF CHINA

After the death of Han Fei Tzŭ in 233, we hear nothing about Li Ssŭ for twelve years. During this period we must suppose that he continued his duties as Minister of Justice (*t'ing wei* 廷尉), the position to which he had been promoted after the repeal of the decree for the expulsion of aliens. [2] At the same time he probably conducted further intrigues against the other feudal states, similar to those outlined by him in his first speech to the Ch'in ruler. One by one these states succumbed to the superior organization of Ch'in, until in 221 came the final triumph. The Ch'in state became the Ch'in empire, and all China was for the first time united. It was but natural that coincident with this great event, the Ch'in King should demand a new title for himself. The reply of his ministers to this demand, among them Li Ssŭ, is recorded in the sixth chapter of the *Shih Chi*: [3]

"The Grand Councillor, (Wang) Kuan, the *yü-shih-ta-fu*, [4] (Feng) Chieh, the Minister of Justice, (Li) Ssŭ, and others, all said:

"'Of old, the territory of the Five Emperors constituted a square of one thousand *li*. Beyond this were the domains of the feudal lords

[1] See pp. 62—63.

[2] See p. 21.

[3] *Mém. hist.*, II, 124—128.

[4] 卿史大夫, one of the highest officials, in charge of plans, reports, etc. See *Mém. hist.*, II, 514.

and of the barbarians. Some of the feudal lords came to court to do homage, and some did not; the Son of Heaven was unable to keep control over them. But now Your Majesty has raised his armies of righteousness and put to death oppressors and brigands. He has pacified the world and has laid out all within the seas into commanderies and prefectures. Laws and ordinances emanate from one center. Such a thing has never existed from high antiquity until now; it is something the Five Emperors did not attain to. We, your ministers, having carefully deliberated with the scholars of wide learning, would say: Of old there were the Celestial Sovereign, the Terrestrial Sovereign, and the Great Sovereign.[1] The Great Sovereign was the most honorable. We, your ministers, at the risk of death (for our words), would propose as an honorable appellation that the King be called the Great Sovereign, that his mandates be called decrees (*chih* 制), and his ordinances be called edicts (*chao* 詔). And let the Son of Heaven term himself in his speech as *chen.*'[2]

"The King said: 'I reject *Great*; I adopt *Sovereign*. From high antiquity I choose the title of *Emperor*. My title will be *Sovereign Emperor*.[3] As for the rest, let it be as you deliberated.' A decree declared the approval."

The significance of this act is discussed in detail in the sixth chapter. Of greater material importance was Li Ssŭ's personal demand, made in the same year of 221, that feudalism be abolished, a demand which was to have far-reaching consequences in China's history:[4]

"The Grand Councillor, (Wang) Kuan, and others said: 'The feudal lords now for the first time have been destroyed. The territories of Yen, Ch'i and Ching (i.e., Ch'u) are far removed, and if kings are not established for them, there will be no means of keeping them in order. We beg that the sons of the imperial family be established in these positions. May it but please Your Majesty to give his consent.'

"Shih-huang handed over this proposal to his ministers, all of whom considered it to be advantageous. But the Minister of Justice,

[1] For these titles, see *Mém. hist.*, II, note 4 on p. 125.

[2] See on this word, p. 44, note 2, and pp. 93—94.

[3] Huang-ti 皇帝. See p. 34, note 1, and ch. 6, for explanations of Ch'in Shih-huang-ti's title.

[4] *Mém. hist.*, II, 131—138.

Li Ssŭ, criticized it, saying: 'The fiefs given by (Kings) Wen and Wu of the Chou to their sons, younger brothers, and the members of their family, were extremely numerous. But as time passed these near relatives became divided and estranged; they attacked each other if they were enemies. More and more the feudal lords killed and warred with one another, without the Son of Heaven of Chou being able to prevent them. Now, owing to the divine power of Your Majesty, everything within the seas is bound into one unit, and all has been laid out into commanderies and prefectures. The sons of the imperial family and the meritorious ministers have been amply rewarded by being given the title of Duke and by receiving an income from the taxes. [1] This greatly facilitates easy government. Let there be no varying opinions concerning it in the empire. This is the way (*shu* 術) to have peace and tranquility. The establishment of feudal lords would not be advantageous.'

"Shih-huang said: 'If the whole world has suffered from unceasing warfare, this comes from there having been feudal lords and kings. Thanks to the aid of my ancestors, the empire has now for the first time been pacified, and for me to restore (feudal) states would be to implant warfare. How difficult then to seek for peace and repose! The advice of the Minister of Justice is right.'

"(Ch'in Shih-huang then) divided the empire into thirty-six commanderies, and in these commanderies he established Administrators, Military Governors and Overseers. He gave to the people the new name of 'black headed ones'. [2] At a great banquet he received all the weapons in the empire, and had them brought together at Hsien-yang. There they were melted into bells and bell supports, and made into twelve metal human figures, each weighing one thousand *tan,* [3] these being placed within the imperial palace. The laws and rules and weights and measures were unified; carts were all made of equal gauge; and the characters used in writing were made uniform. . . The powerful and rich people of the empire, amounting to one hundred and twenty thousand families, were moved to Hsien-yang. . . Each time that Ch'in had destroyed a feudal lord, it copied the plan of his palace and had it rebuilt at Hsien-yang."

[1] But this title of Duke was abolished after this time. See p. 143.

[2] See on this, *Mém. hist.,* II, note 2 on p. 133.

[3] 石, equivalent today to 120 catties.

5. THE BURNING OF THE BOOKS

Again an interval elapses, this time of eight years, broken only by the brief mention of Li Ssŭ on a stone inscription of 219 B.C., as holding the rank of 'high dignitary'.[1] This means that at this time he had not yet reachet the highest official post open to him, that of Grand Councillor (*ch'eng hsiang* 丞相), since two men whose names precede his on this inscription, are respectively spoken of as being Grand Councillors of the Left and Right. Some time between 219 and 213, however, Li Ssŭ attained to the former position, and so became in name, as well as in fact, the most powerful man in the empire next to the Emperor. We also know that he was given the title of 'Marquis of the highest rank' (*t'ung hou* 通侯),[2] but it should be remembered that such titles were purely honorary under the Ch'in dynasty, and carried with them no territorial or administrative prerogatives, since territorial feudalism, as we have seen in the preceding section, had already been completely abolished in 221.

In the year 213 there occurs the event for which Li Ssŭ is most famous: the notorious Burning of the Books. This event has already been described in Li Ssŭ's biography,[3] but in the sixth chapter of the *Shih Chi* it is given in considerably greater detail.[4] In the translation which follows, brackets enclose those portions of the text which are identical with the account as already given in Li Ssŭ's biography:

"In the thirty-fourth year (213). . . Shih-huang held a banquet in the palace of Hsien-yang. Scholars of wide learning, to the number of seventy, came forward to wish him long life. The *p'u-yeh,* Chou Ch'ing-chen, presented eulogies, saying:

" 'Formerly the territory of Ch'in did not exceed one thousand *li,* but owing to the divine spirit and illustrious wisdom of Your Majesty, everything within the seas has been pacified. The Man and I barbarians have been expelled, and in no place where the sun and moon shine is there anyone who does not pay allegiance.

[1] *Ch'ing* 卿. See *Mém. hist.,* II, 150.

[2] On this title, see p. 29, note 3.

[3] Pp. 22—24.

[4] *Mém. hist.,* II, 169—174.

You have made the feudal states into commanderies and prefectures, and all men are at peace and suffer none of the disasters of warfare. For ten thousand generations will these (achievements) be handed down. Never from high antiquity has your awesome virtue been equalled.'

"Shih-huang was pleased, but a certain scholar of wide learning, Shun-yü Yüeh, who was a native of Ch'i, advanced, saying:

[" 'Your servant has heard that the reason why the Yin and Chou kings (held the empire) for more than a thousand years, was because they gave fiefs to their sons, younger brothers and meritorious ministers, as branches and supporting props to themselves. At present Your Majesty possesses all within the seas, yet his sons and younger brothers remain common men. If eventually there should occur such disasters [1] as those of T'ien Ch'ang or of the Six High Dignitaries, and your subjects were without means of assistance, how could they save you? Of affairs which, unless modelled on antiquity, can endure for long, I have not heard. At present (Chou) Ch'ing-ch'en, together with his associates, nevertheless flatters you to your face, thus aggravating Your Majesty's error. Such are not loyal subjects.'

"Shih-huang submitted this criticism] to his subordinates. The Grand Councillor, Li Ssŭ, said:

" 'The Five Emperors did not each copy the other. The Three Dynasties [2] did not each imitate the other. It was not that in their government they each turned themselves away from the others, but was because of the changes in the times. Now Your Majesty has accomplished a great achievement and founded a merit that will last for ten thousand generations. This is certainly something the stupid literati [3] do not understand. Moreover, what (Shun-yü) Yüeh has spoken about are matters concerning the Three Dynasties. How can we take them as a rule? Formerly when the feudal lords were at war with one another, they had a regard for the travelling scholars, whom they summoned about them. Now the world has been pacified; laws and ordinances issue from one source

[1] The word 患 (disasters) is added from the version in the biography, p. 22.

[2] Hsia, Shang and Chou.

[3] *Ju* 儒, i. e. Confucians. It will be remembered that the state of Ch'i, of which Shun-yü Yüeh was a native, was the center of Confucianism.

alone; therefore the clans and the heads of families apply themselves to agriculture and artisan labor; and the scholar class studies the laws and ordinances, interdictions and prohibitions.

"'However, there are some who do not model themselves upon the present but study the past, in order to criticize the present age. They excite and confuse the black headed ones. Your minister, the Grand Councillor, (Li) Ssŭ, at the risk of death (for his words), would say:

[" Of old, the empire was scattered and in confusion, and there was none able to unite it into one. This was because the feudal lords all became active together, and in their discussions they harped on the past so as to injure the present, and made a display of empty words so as to confuse the truth. Men valued what they had themselves privately studied, thus casting into disrepute what their superiors had established.

"'At present Your Majesty possesses a unified empire, has laid down the distinctions of right and wrong, and has consolidated for himself a single (position of) eminence. Yet there are those who with their teachings mutually abet each other, and who teach to others what is not according to the laws.[1] When they hear orders promulgated, they criticize them in the light of their own teachings. Within (the court) they mentally discredit them, and outside they criticize them upon the streets. To cast disrepute[2] on their ruler they regard as a thing worthy of fame; to accept different views they regard as high (conduct); and they lead the people to create slander. If such conditions are not prohibited, the imperial power will decline above, and partizanships will form below. It is expedient that these be prohibited.]

"'Your servant suggests that all books in the bureau of history,

[1] The version in the biography reads: "and who discredit the decrees of laws and instructions" 非法教之制, instead of "and who teach to others what is not according to the laws" 非法教人. The present version also omits the 而 which appears as the first character in the sentence in the biography version, and substitutes 而 for 乃 three characters farther down.

[2] This follows the biography's reading of 非, instead of the 夸 given here.

save the records of Ch'in, be burned; that all persons in the empire, save those who hold a function under the control of the bureau of the scholars of wide learning, daring to store the *Shih,* the *Shu,* and the discussions of the various philosophers, should go to the administrative and military governors so that these books may be indiscriminately burned. Those who dare to discuss the *Shih* and the *Shu* among themselves should be (executed and their bodies) exposed on the market-place. Those who use the past to criticize the present, should be put to death together with their relatives. Officials who see or know (violators of these regulations) without reporting them, should be considered equally guilty.

[" 'Those who have not burned them (i.e., the books) within thirty days after the issuing of the order, are to be branded and sent to do forced labor.[1] Books not to be destroyed will be those on medicine and pharmacy, divination by the tortoise and milfoil, and agriculture and arboriculture. As for persons who wish to study] the laws and ordinances, [let them take the officials as their teachers.']

"An imperial decree granted approval."

It can be seen that the general gist of the two versions is the same, with the exception of the next-to-last paragraph in the version in the sixth chapter, which contains two important additions not mentioned in the biography:

(1) It is stated that the Ch'in historical records were among the works that were to be spared. This is of considerable importance, as it means that the Ch'in records, as we now have them in the *Shih Chi,* are probably of greater historical authenticity than are the records of the other feudal states.

(2) Another point of significance is the statement that books in the possession of the office of the 'scholars of wide learning' were not to share in the general destruction. Under Ch'in Shih-huang there were seventy of these scholars, who "appear to have had an advisory capacity and were librarians, but otherwise the title was honorary only."[2] This exception is important because it

[1] The biography merely reads 去 (destroy) instead of 燒 (burn) in this and the following sentence. See p. 23, note 5. The present version also reads 下 for 到, and omits the succeeding character, 滿.

[2] Shryock, *The Origin and Development of the State Cult of Confucius,* pp. 21 f.

shows that the Burning of the Books was not as thoroughgoing as is commonly supposed. [1]

6. THE LAST YEARS

More than two thirds of Li Ssŭ's biography are devoted to the last few years of his life, extending from the Burning of the Books in 213 to his execution in 208. Ch'in Shih-huang's death in 210, the plot which put Hu-hai upon the throne as Erh-shih, and the resulting collapse of the empire under the evil genius of Chao Kao, are all described in the biography in considerably greater detail than they are in the sixth chapter of the *Shih Chi.* Indeed, the only additional information supplied by the latter text is the fact that in the spring of the first year of Erh-shih (209 B.C.), Li Ssŭ accompanied the latter on a tour made through the eastern part of the empire, during which time Erh-shih added to the tablet inscriptions that had been erected by his father. [2]

A few differences exist between events of this last period as described in the *Shih Chi*'s sixth chapter, and in Li Ssŭ's biography, but these will be discussed in the following chapter. There remains an argument between Li Ssŭ and Chao Kao, which we find recorded in the chapter on music in the *Shih Chi*: [3]

"Ch'in Erh-shih gave himself up to pleasure all the more. The Grand Councillor, Li Ssŭ, advanced to reprimand him, saying: 'To cast aside the *Shih* and *Shu,* and put one's whole mind upon music and women: this was something Tsu I was afraid of. [4] Lightly to accumulate petty faults, giving oneself over to one's passions the whole night through: this is the way Chou came to disaster.'

"Chao Kao said: 'The Five Emperors and the Three Kings each had music different in name, thus showing that they did not imitate one another. From the royal court down to the common people, they thus reunited the world in joy and made the mutual complimentary phrases match one another. Without such a harmony, good fortune would not have penetrated everywhere and the distribution of good

[1] For a discussion of the significance of this Burning of the Books, see pp. 162 f.

[2] *Mém. hist.,* II, 198—199.

[3] *Mém. hist.,* III, ii, 233—234.

[4] Tsu I vainly remonstrated with Chou, last ruler of the Shang dynasty, against such conduct.

things would not have been scattered throughout. Under each, furthermore, the world was transformed by music which ruled a whole epoch. What need of a Lu-erh of Mount Hua in order to go far?' [1]

"Erh-shih agreed with this."

The authenticity of this passage seems doubtful. It is strange indeed that Li Ssŭ, who in 213 had proscribed the *Shih* and *Shu,* should only a few years later be appealing to these same works for authority. Chao Kao, on the other hand, replies to Li Ssŭ by saying that one age should not slavishly imitate another. This is a typically Legalistic argument, and one almost identical with that used by Li Ssŭ himself when he advocated the Burning of the Books. [2]

One final problem concerns the exact date of Li Ssŭ's death. According to his biography, in the seventh month of the second year of Erh-shih (July 30 to August 27, 208 B.C.), the five punishments were prepared for Li Ssŭ (perhaps as a form of preliminary torture), and he was then condemned to be cut in two at the waist upon the market-place of Hsien-yang. [3] The sixth chapter of the *Shih Chi* agrees with this account, to the extent of recording under the second year of Erh-shih that "(Li) Ssŭ was imprisoned and underwent the five punishments." Yet a few lines farther down, under the third year of Erh-shih (207 B.C.), it states: "In winter, Chao Kao became Grand Councillor. He finally judged Li Ssŭ, and had him executed." [4]

In this last statement, the sixth chapter is almost certainly in error, for it is contradicted not only by what is said in Li Ssŭ's biography, but also by its own mention of the five punishments a few lines above. Furthermore, the chronological table in the fifteenth chapter of the *Shih Chi,* by recording Li Ssŭ's execution under the second year of Erh-shih, confirms that he must have met his death in the summer of this year, and not in the winter of the year following.

[1] Lu-erh was one of the eight horses with which King Mu 穆王 (1001—947) of the Chou dynasty is supposed to have made his famous travels to the west of China. Mount Hua is the famous sacred mountain, Hua Shan, in Shensi. The meaning here is that when one is satisfied with one's own music, there is no need to go back to the ancients.

[2] See p. 81.

[3] See p. 52.

[4] *Mém. hist.,* II, 210.

7. A CHRONOLOGY OF THE LIFE OF LI SSŬ AND THE CONTEMPORARY EVENTS IN CH'IN

For the sake of clarity it may be helpful to append the main facts that we know about Li Ssŭ, in a chronological chart, as follows:

280 B.C.(?): Li Ssŭ probably born somewhere around this date, in Shang-ts'ai, state of Ch'u.

273: Ch'in defeats Wei, killing, according to the records, 150,000 soldiers.

260: Ch'in defeats Chao, killing, according to the records, more than 400,000 soldiers. [1]

Li Ssŭ, as a young man, becomes a petty clerk in his district some time during this period. Then, together with Han Fei Tzŭ, he studies under Hsün Tzŭ in Lan-ling.

256: Ch'in wipes out the Chou dynasty.

250: Lü Pu-wei becomes Grand Councillor under King Chuang-hsiang of Ch'in (250—247).

247: Li Ssŭ leaves Hsün Tzŭ, comes to Ch'in, and becomes a follower of Lü Pu-wei.

246—210: Reign of Chin Shih-huang-ti (assumes this title only in 221). In 246, Li Ssŭ has speech with him, and is made Senior Scribe (*chang shih* 長史). Completion of Cheng Kuo's canal about this time.

238: Revolt of infamous follower of Lü Pu-wei, Lao Ai, who is executed.

237: Lü Pu-wei exiled. Decree ordering expulsion of all aliens from Ch'in, supposedly, but erroneously, said to have been promulgated because of Cheng Kuo's canal, is annulled through Li Ssŭ's memorial.

237—221: Li Ssŭ becomes Minister of Justice (*t'ing wei* 廷尉) some time between these years.

235: Lü Pu-wei commits suicide.

233: Han Fei Tzŭ goes to Ch'in to save Han from annexation. Is detained there while Li Ssŭ goes to Han to lure the King of Han to Ch'in. Li Ssŭ fails in this attempt, and on his return to Ch'in, Han Fei is imprisoned and commits suicide, through Li Ssŭ's instigation.

[1] But these figures are probably exaggerations. See p. 5.

230: Ch'in annexes Han.

228: Ch'in annexes Chao.

227: Unsuccessful attempt by Ching K'o, sent from Yen to Ch'in, to assassinate Ch'in Shih-huang.

225: Ch'in annexes Wei.

223: Ch'in annexes Ch'u.

222: Ch'in annexes Yen.

221: Ch'in annexes Ch'i. All China unified. King of Ch'in assumes title of Ch'in Shih-huang-ti. Li Ssŭ demands abolition of feudalism. China divided into 36 commanderies. Laws, weights and measures, writing, etc., are unified. Influence of School of Five Elements on Ch'in.

219: Ch'in Shih-huang makes tour through China. His first attempt to obtain elixir of immortality.

219—213: Li Ssŭ becomes Grand Councillor of the Left (*tso ch'eng hsiang* 左丞相), which was the highest official post in the empire, some time between these years.

218: Unsuccessful attempt by Chang Liang to assassinate Ch'in Shih-huang.

215: Shih-huang again attempts to obtain elixir of immortality.

214: General Meng T'ien mentioned as building Great Wall in north during this time.

213: Li Ssŭ's memorial demanding the Burning of the Books.

213 or 212: Li Ssŭ, at height of his power, gives banquet, attended by thousands of officials, at which he has premonition of future downfall.

212: In anger, Ch'in Shih-huang has more than 460 of the literati executed. Crown Prince, Fu-su, who remonstrates, is exiled to frontier to oversee Meng T'ien.

210: Ch'in Shih-huang dies while travelling. Fu-su and Meng T'ien are executed through plot of Li Ssŭ and eunuch Chao Kao, who place Shih-huang's younger son, Hu-hai, on the throne as Erh-shih-huang-ti.

209: Erh-shih executes his elder brothers. Revolt of Ch'en Sheng and Wu Kuang breaks out in Ch'u. Li Ssŭ submits memorial urging importance of supervising and holding responsible.

208: All power passes into hands of Chao Kao, who imprisons Li Ssŭ. Li Ssŭ's eldest son, Li Yu, is captured by a rebel leader and executed.

208: (July 30—Aug. 27): Li Ssŭ undergoes the five punishments and dies. His family is exterminated to the third degree.

207: (Sept. 27): Chao Kao's presentation of a deer to Erh-shih. Death of Erh-shih less than seventeen days later. Accession of Tzŭ-ying, who kills Chao Kao.

206: (Jan. 11—Feb. 9): Submission of Tzŭ-ying to the rebels, and his subsequent death. End of Ch'in dynasty, which is followed, after civil war, by Han dynasty (206 B.C.—A.D. 220).

CHAPTER IV

A CRITICAL STUDY OF LI SSŬ'S BIOGRAPHY[1]

Having utilized all the supplementary material available to fill in the gaps in Li Ssŭ's biography, it is time to turn a more critical eye upon the biography itself. To what extent is it reliable? What are the materials that Ssŭ-ma Ch'ien has drawn upon for his work, and how has he put them together?

As a first step toward answering these questions, I have made use of the method that was first presented by Karlgren in his important article, 'On the Authenticity and Nature of the Tso Chuan'. Karlgren, it will be remembered, studied the occurrence in various pre-Han texts of the following grammatical particles: 若 and 如, 斯 (=則), 斯 (=此), 乎 (=於), 與 (=乎), 及 and 與, 於 and 于, 我, 予 and 吾, 邪 (耶). By so doing he discovered the existence of a number of dialects in works of varying periods, and showed that among all works of the third century B.C. a remarkable uniformity of grammar exists.

During the Han dynasty (206 B.C.—A.D. 220), owing to the syncretic nature of the Chinese language, these earlier dialectic differences disappeared and became submerged in one standardized written language. The *Shih Chi*, however, being largely a composite work, contains many long passages quoted verbatim from earlier texts, and in these passages we should expect to find the same peculiarities of style that have been pointed out by Karlgren. The speeches, throne memorials, etc., in Li Ssŭ's biography, for example, since they supposedly date back to speakers and writers of the third century B.C., should theoretically display the same grammatical characteristics that Karlgren has shown for the third century texts. Only in the intervening passages of narration, since these can be fairly attributed to Ssŭ-ma Ch'ien himself, should we expect to

[1] This chapter is primarily for the specialist. The general reader, who is not interested in detailed textual criticism, would do well to pass on to ch. 5.

find the earlier grammatical differences submerged in the written style common to the Han dynasty. I have found, as a matter of fact, that the biography as a whole is remarkably close to the grammar of the third century. Only in a few instances does it differ radically, and these I shall point out as occasion arises below. Let us now study the biography of Li Ssŭ section by section.

* * *

The little story of Li Ssŭ and the rats (p. 12), is probably no more than an anecdote. Perhaps it represents a tradition that goes back to Li Ssŭ's time, but it is equally possible that it was added by Ssŭ-ma Ch'ien merely to give force and color to the opening of his story. Li Ssŭ's study under Hsün Tzŭ, however, is confirmed by other sources, and the speech made by him on his departure for Ch'in (p. 13) harmonizes well in spirit with that recorded in Hsün Tzŭ's own works.[1] Li Ssŭ's first speech with the King of Ch'in (pp. 13—14) also contains no palpable inconsistencies.

The following paragraph (pp. 14—15) describes how the King, at Li Ssŭ's advice, sent out plotters among the feudal states to weaken their opposition to Ch'in through bribes and assassination. It is very probable that Ssŭ-ma Ch'ien has derived the material for this paragraph from the memorial made by Li Ssŭ while he was in prison, which states (p. 50), among other things, that he "used his meagre talents to the utmost, . . . secretly sending out plotters, giving them gold and precious stones, and causing them to travel about and advise the feudal lords, and secretly to prepare armor and weapons."

The biography is probably wrong, as we have seen, in connecting the decree for the expulsion of aliens with the construction of the Cheng Kuo canal.[2] Moreover, there is a seeming anachronism when Li Ssŭ, in the midst of his memorial (p. 21), refers to the common people as the *ch'ien shou* 黔首 (lit., 'black headed ones'), in the sentence: "But now you throw away your people (*ch'ien shou*), thus enlarging the enemy states." This was a term only established by Ch'in Shih-huang as a name for the common people in 221,[3] whereas the decree for the expulsion of aliens was promulgated in 237. Yet the anachronism is only an apparent one, for there is sufficient evidence from other texts to show that the term *ch'ien shou,* sporadically, at least, had already been in use

[1] For which see pp. 57—58. [2] See pp. 59—62. [3] See p. 79.

as a designation for the common people well prior to 221.[1] Here, as in many of the other measures instituted after the unification of China in 221 (as will be seen in later chapters), Ch'in Shih-huang only regularized and made standard what had already existed.

Ssŭ-ma Ch'ien follows the annullment of the expulsion decree with the words: "After more than twenty years the world was finally united" (p. 21). This is an obvious anachronism, since only seventeen years elapsed between 237, the year of the decree, and 221, the year when China was unified. The mistake is probably a result of Ssŭ-ma Ch'ien's earlier error in associating the expulsion decree with the construction of Cheng Kuo's canal; the latter event occurred, as was shown in the preceding chapter, early in Ch'in Shih-huang's reign, i.e., shortly after the year 246. But why did Ssŭ-ma Ch'ien fall into such a chronological error? Its very obviousness makes it possible that the account of the Cheng Kuo canal, as connected with the expulsion of aliens, and then joined to the succeeding section by the words, "After more than twenty years", etc., is all part of a single account of Li Ssŭ's life which existed before Ssŭ-ma Ch'ien's time. If this is the case, Ssŭ-ma Ch'ien has here simply uncritically copied from this earlier account, without noticing its chronological contradiction with the account of the expulsion decree given in the *Shih Chi*'s sixth chapter, where it has been correctly recorded by Ssŭ-ma Ch'ien under the year 237.

In Chapter III I have already compared Li Ssŭ's memorial urging the Burning of the Books with the more detailed version given in the *Shih Chi*'s sixth chapter, and have noted the main discrepancies. They are insufficient to cast serious doubt on the reliability of the records. As for the feast held by Li Ssŭ in honor of the return of his son (pp. 24—25), this event is not mentioned elsewhere, and may conceivably be a literary addition by Ssŭ-ma Ch'ien, especially as Li Ssŭ's quotation from Hsün Tzŭ is not now to be found in the latter's works. But such a fact, unsupported by any direct evidence, can of course constitute no definite proof.

* * *

It is only in the following pages (pp. 25—32), describing the death of Ch'in Shih-huang and the subsequent plot of Chao Kao and Li Ssŭ to place Hu-hai on the throne, that serious doubts arise as to the nature of Ssŭ-ma Ch'ien's sources. We have already seen

[1] See Jung Keng, 'The Stone Inscriptions of Ch'in Shih-huang-ti' (in Chinese), in the *Yenching Journal of Chinese Studies*, no. 17 (June, 1935), p. 135.

that the statement (p. 26) that Hu-hai was the youngest of Shih-huang's sons, is erroneous, [1] but the chief problem revolves around the long series of speeches in which Chao Kao first persuades Hu-hai to usurp the throne in place of the legitimate Crown Prince, Fu-su (pp. 26—28), and then persuades Li Ssŭ to join the plot (pp. 28—32).

For one thing, while it is plausible to suppose that memorials, decrees and other documents were recorded in the historical archives of the different states of ancient China, it is difficult to imagine how discussions of this kind, held in secret between the three plotters, could even have been heard by anyone else at the time they took place, let alone be put into writing. This in itself is enough to make us suspect that for these speeches Ssŭ-ma Ch'ien has simply drawn upon his imagination, in order to give life to what would otherwise be a dry narrative of historical events. But a study of the internal evidence of the speeches turns this suspicion into almost certainty.

In the first place, the speeches are not written in the language of the third century B.C. Karlgren has pointed out in his article that in third century texts the word *yü* 與 is the usual connective used in the sense of 'and', 'with', while the word *chi* 及 almost never occurs in this sense, though in later times it becomes common. [2] Yet twice within these few pages, *chi,* employed in this way, occurs in the speeches made by Chao Kao. For example (p. 27): ". . . The empire depends only upon you, myself, and (*chi*) the Grand Councillor"; again (pp. 28—29): "The letter for the eldest son, together with (*chi*) the imperial seal, are both in Hu-hai's quarters."

The word *chi,* to be sure, has already been used a few pages earlier (p. 26) in the sentence: "The letter and (*chi*) the imperial seal were at that time both in the quarters of Chao Kao," and again, a few lines farther down: ". . . Chao Kao, together with (*chi*) five or six of the favorite eunuchs . . ." This is not at all surprising, however, since these sentences form part of Ssŭ-ma Ch'ien's direct narrative, whereas the use of *chi* in the mouth of Chao Kao, a person living in the third century B.C., is a decided anachronism. Nevertheless this fact alone is hardly conclusive, since *chi,* in the sense of 'and', 'with', though exceedingly rare in third century texts, is not absolutely unknown. Thus it occurs twice in *The Book of Lord*

[1] See p. 26, note 1.
[2] See Karlgren, *op. cit.,* p. 62.

Shang, a rather long work (though in one of these instances, only in an historical quotation).[1]

When we examine these speeches from the point of view of content, however, other peculiar features appear. Chao Kao, as we know, was an opportunist quite devoid of any moral principles, and seems to have been a follower of the Legalist school. The speech which he makes to Erh-shih, for example, in which he begins by saying, "Make the laws more severe and the punishments more rigorous" (p. 35), is strongly Legalistic in tone. It is strange, therefore, that in his speeches here he once appeals to the example of Confucius as support for his plot (p. 27), and again suggests that by acquiescing to the plot, Li Ssŭ would display "the wisdom of a Confucius" (p. 32). On p. 30 he uses the very peculiar expression, "what means is there of honoring the Sages (*sheng* 聖)?", and on the same page he speaks about "the Sage" who "shifts his course without having an infallible rule." References like these seem out of place in the mouth of a person of Chao Kao's character, living in the state of Ch'in, which was the antithesis of everything Confucius stood for; especially in view of the fact that he is speaking to Li Ssŭ, a confirmed Legalist, on whom such arguments would not be expected to make much impression. On the other hand, they fit in very well with the spirit of the Han dynasty, when Confucianism had become orthodox, and when Confucius was regarded as the ultimate arbiter for all conduct.

The combined weight of this evidence, therefore, makes it quite probable that these speeches between Chao Kao and Hu-hai (pp. 26—28), and Chao Kao and Li Ssŭ (pp. 28—32), were not put into writing before the Han dynasty; the logical inference being that they were invented by Ssŭ-ma Ch'ien himself.

* * *

Further curious features appear in the false letter concocted by Chao Kao, Li Ssŭ and Hu-hai, which purports to be from Ch'in Shih-huang, and which orders Fu-su and Meng T'ien to commit suicide (pp. 32—33). This letter begins with the word *chen* 朕 (meaning 'We'), a term which Ch'in Shih-huang had in 221 reserved exclusively for imperial self designation.[2] Yet a few lines below it shifts from the use of *chen* to the informal and customary *wo* 我 (I or we), in the phrase, "speaking evil of what we (*wo*) have been doing."

[1] See Duyvendak, *op. cit.*, pp. 153—154.

[2] See p. 44, note 2.

Now this appearance of the word *wo* is not remarkable in itself, for Ch'in Shih-huang seems to have limited the use of *chen* to formal occasions like public speeches or decrees; in daily life he continued to speak of himself either as *wo* 我 or as *wu* 吾. The latter, in the third century B.C., was restricted to the nominative and genetive cases, whereas *wo* was usually employed in the accusative. [1] Hu-hai, after he became Emperor, continued this practice, [2] and it is interesting to note that it is only when he becomes angry at Li Ssŭ, shortly before the latter is thrown into prison, that he discards the familiar *wu* and *wo,* and reverts to the formal *chen.* [3]

The use of *wo,* then, is not surprising in itself. What is surprising is that it should be found in such a formal document as this letter of the plotters, which at the same time begins with the correct form of imperial self designation, *chen.* Yet even this combination of *chen* and *wo* is not impossible, for in another speech of Erh-shih, recorded under the year 208, we find *chen* and *wu* alternating with each other in a most peculiar fashion; the same usage also occurs in a speech delivered by the founder of the Han dynasty in 202 B.C., after he had assumed the imperial title. [4]

Quite apart from the above problem, however, a serious difficulty still remains. This is, that although Ch'in Shih-huang adopted the word *chen* in 221 for imperial self designation, we also know that in 212 B.C., under the influence of the Taoists, he discarded the title *chen* and replaced it by the Taoist term, *chen jen* 真人, which means 'the True man'. [5] It is unfortunate that we have no texts in which this term is actually used by Shih-huang, but the truth of the story is indirectly confirmed by the fact that Erh-shih, in the first year of his reign (209 B.C.), is stated to have resumed the title of *chen.* [6] In a document purported to have been written by Ch'in Shih-huang in the year 210, therefore, we should expect to find neither the formal *chen* nor the familar *wu* or *wo,* but only

[1] See Karlgren, *op. cit.,* pp. 50, 62. For examples in Ch'in Shih-huang's speeches, see *Mém. hist.,* II, 174, 177, 178, 180—181, where he refers to himself as *wu.* See also *ibid.,* p. 181, where he uses *wo* in the accusative case, in the clause, "they calumniate me (*wo*)."

[2] The word *wu* appears in his speeches to Chao Kao (p. 34); to Li Ssŭ (pp. 36—38); and again to Chao Kao (p. 45). On the latter occasion he also twice uses *wo* in the accusative. See also his speech to Chao Kao in *Mém. hist.,* II, 200.

[3] See his speech, p. 48, where *chen* appears three times.

[4] See *Mém. hist.,* II, 209; 383 and note 2.

[5] See below, p. 116.

[6] *Mém. hist.,* II, 197.

the newly adopted Taoist term, *chen jen* or True Man! Does this anachronism, perhaps, show that Ssŭ-ma Ch'ien has drawn on his imagination for the contents of this letter?

* * *

The next section of the biography (pp. 34—49), which describes events between the accession of Erh-shih in 209 and the imprisonment of Li Ssŭ in 208, presents a number of problems. In the first place, the troublesome word *chi* 及, in the sense of 'and', 'with', occurs once more in two speeches of Chao Kao.[1] Secondly, Chao Kao is in error when he refers (p. 34) to Erh-shih as the youngest son of Ch'in Shih-huang.[2] Thirdly, it is twice stated (pp. 34, 35) that Meng T'ien, the builder of the Great Wall, was survived by his brother, Meng I. The biography of these two men in the *Shih Chi* (ch. 88) states quite clearly, on the other hand, that Meng I was executed first and Meng T'ien later.

Not only this, but the biography and the *Shih Chi*'s sixth chapter, in their accounts of these events, show considerable divergencies. While the source material for the two accounts seems to be about the same, it has been put together quite differently. This can best be shown by making a detailed comparison of the two:

(1) Biography (pp. 34—35): Erh-shih asks Chao Kao how he may lead a life of complete self indulgence. Chao replies with a speech, very Legalistic in tone, in which he expresses fears over the allegiance of the princes and officials, and urges that the laws be made more severe and the punishments more rigorous. Sixth chapter (*Mém. hist.*, II, 200—201): Does not record Erh-shih's speech on self indulgence, but merely states that he asks Chao Kao how to win the allegiance of his royal brothers and the great officials. Chao Kao replies in a speech that is much the same in meaning as that given in the biography, though with considerable verbal variations. His advice, "Give honor to the humble, enrich the poor," is given word for word the same in the biography (p. 35), however, but there the order of the two clauses is reversed.

(2) Biography (pp. 35—36): Description of the application of this advice. Twelve of the royal princes are executed and have their bodies exposed on the market-place, while ten of the princesses meet death by being torn limb from limb. This is followed by the

[1] See p. 34: "For indeed all the princes and (*chi*) great ministers"; also p. 44: ". . . leave it to me and (*chi*) to palace attendants practised in the laws."

[2] See p. 26, note 1.

memorial of Prince Kao asking that he may commit suicide. Sixth chapter (II, 201—203): Merely states that six princes were executed by being torn limb from limb, and that others committed suicide. No mention is made of the twelve princesses or of Prince Kao. The version in the biography, therefore, sounds like an exaggeration. At the same time we should remember that this part of the biography is in general more detailed than the sixth chapter.

(3) Biography (p. 36): Brief account of the application of this policy of severity, with the renewed building of the O-pang palace, exactions of forced labor, etc. These measures lead to the revolt of Ch'en Sheng and Wu Kuang. Sixth chapter (II, 203—204): About the same as the biography, but with greater detail.

(4) Biography (pp. 36—38): Erh-shih reproves Li Ssŭ in a speech in which he quotes Han Fei Tzŭ and asks how he may enjoy complete self indulgence. Sixth chapter (II, 205—206): Does not give this speech here, but describes the progress of the rebellion during the second year of Erh-shih (208 B.C.).

(5) The biography (pp. 38—43) contains Li Ssŭ's long memorial on supervising and holding responsible (given as an answer to Erh-shih's reproofs), which is not found at all in the sixth chapter. In this memorial, with its strongly Legalistic ideas, I believe we have an important original document from the hands of Li Ssŭ. It is true that in two places (on p. 41) he refers to the 'discussions' and 'methods' of 'the Sages', which, according to the arguments used in the case of Chao Kao's speeches, might be adduced to show that this memorial has a Confucian and not a Legalist background. I do not believe that we are justified in taking the word 'Sages' in the Confucian sense here, however. The word 'methods' (*shu* 術) is a technical term of the Legalists, and throughout his memorial Li Ssŭ several times refers to the 'methods' of Shen Pu-hai and Han Fei Tzŭ (pp. 39, 42—43); at the same time he makes attacks (pp. 39—40) on Yao and Yü, who were the Confucian Sages *par excellence*. Therefore it is reasonable to assume that when Li Ssŭ speaks here of 'the Sages', he is merely thinking of rulers who would follow the 'methods' of such Legalists as Shen Pu-hai and Han Fei Tzŭ, and does not have Sages of the Confucian type in mind.

(6) Biography (pp. 43—44): After Li Ssŭ's memorial, Chao Kao tells Erh-shih to withdraw into the private living quarters of the palace and leave the conduct of affairs in the hands of his ministers. He also gives an interesting definition of the word *chen* 朕.

Sixth chapter (II, 206—207): Chao Kao's speech here is rather similar to that in the biography, and in places is even word for word the same, as in the sentence, "Your Majesty is rich in his years (to come)." It differs somewhat, however, in its interpretation of the meaning of the word *chen.*

(7) Biography (p. 45): Chao Kao induces Li Ssŭ to protest to Erh-shih against the latter's excesses. Sixth chapter (II, 207—210): This differs completely. Li Ssŭ, with other officials, decides to protest to Erh-shih against his excesses. This leads to the speech of Erh-shih, quoting Han Fei Tzŭ, which, with minor variations, appeared in the biography under point four above.

(8) Biography (pp. 45—49): The account of how Chao Kao influences Erh-shih against Li Ssŭ, and the latter vainly warns Erh-shih to beware of Chao Kao, and is then imprisoned, is omitted entirely in the sixth chapter. The latter merely states that following Erh-shih's speech, in which he reproves Li Ssŭ and the other officials, they are all thrown into prison and that Li Ssŭ ultimately suffers the five punishments.

Summing up, it is evident that the same sources have been used by both accounts, but have been pieced together differently. The most striking difference is that in the biography, Erh-shih's speech, in which he quotes Han Fei Tzŭ, is followed by Li Ssŭ's memorial on supervising and holding responsible, whereas in the sixth chapter it is given later, and is immediately followed by Li Ssŭ's imprisonment. The biography is considerably more detailed than the sixth chapter, and tends sometimes to exaggerate (especially in point two). On the other hand, events in the biography are presented in a smoother and more logically developed way than those in the sixth chapter. It is natural that the biography should be more detailed than the sixth chapter on some points, yet there are certain differences which are difficult to explain. In any case, it is probable from these differences, as well as from the use of the word *chi* 及 in Chao Kao's speeches, and from the other discrepancies pointed out above, that neither version could have existed in a unified form before Ssŭ-ma Ch'ien's time, but must have been pieced together during the Han dynasty from a variety of different elements.

* * *

Continuing now our critical study of Li Ssŭ's biography, we come to that part in which he is thrown into prison and there makes

a lament (p. 49). Aside from the fact that it is difficult to imagine how this lament, uttered within the walls of a prison, could have found any immediate recorder, there are certain features which make us suspect that it, like the speeches between Chao Kao and Hu-hai and Chao Kao and Li Ssŭ, is an invention of Ssŭ-ma Ch'ien, added for the purpose of giving dramatic interest to what would otherwise be a bare recital of events.

In the first place, it has already been pointed out that the first personal pronoun, *wu* 吾, is always used in third century B.C. texts in the nominative and genetive cases, while *wo* 我 is usually reserved for the accusative. Yet in the midst of Li Ssŭ's lament, we suddenly come across the very strange expression, "but he would not listen to me" 不吾聽也, in which *wu* is used in the accusative case! Karlgren has stated that the restriction of *wu* to the nominative and genetive cases, holds good not only in texts of the Chou and Ch'in dynasties, but in those of the early part of the Han period as well, and this is certainly true as a generale rule.[1] How strange then that in the *Shih Chi,* a work supposed to have been compiled about 100 B.C., we should suddenly find an accusative *wu*!

It is highly improbable that any educated man of the third century B.C. would fall into the mistake of using *wu* in the accusative. (Such a mistake would in English be equivalent to saying, "He would not listen to I.") During the Han dynasty, however, owing to the syncretic nature of the Chinese language, earlier grammatical distinctions were little by little obliterated, and it is conceivable that in some instances it was already becoming possible to use *wu* instead of the normal accusative *wo*; especially in the case under discussion, in which the *wu* happens to precede the verb, instead of following it, as is usually the case with an accusative. A similar phenomenon can be seen today in English, in which even good writers now tend more and more to drop the subjunctive verb forms in favor of the indicative.

On the other hand, it would be going too far to conclude on the strength of this one sporadic case that the passage in question is of late origin. The word *wu* may after all be only the result of a copyist's mistake, especially as another *wu,* used quite correctly in the nominative, appears in the text only seven characters earlier.

[1] Karlgren, *op. cit.*, p. 50.

But there is other evidence which throws this lament of Li Ssŭ under suspicion. Li Ssŭ, as we know, was a radical thinker, who throughout his life struggled to overthrow the Confucian reverence for traditional ritual and ceremonial and for the model Sages of antiquity. It is strange, therefore, to hear him say in the midst of his soliloquy: "The Sage-kings of old all had definite rules for their drinking and eating; had a fixed number for their chariots and utensils; and maintained a measure for their palaces and apartments." Regulations of this kind all form part of the traditional *li* 禮 or ceremonial of the Confucians, and were exactly what Li Ssŭ himself was opposing in his earlier memorial to Erh-shih about supervising and holding responsible. Why then should he mention them with approval here?

Furthermore, Kuan Lung-feng, Pi Kan and Wu Tzŭ-hsü, the three men whom Li Ssŭ cites in comparison with himself, are hardly the sort of persons we would expect a Legalist like Li Ssŭ to sing praises to, while he was in prison. They represent the type of official dear to the heart of the Confucian moralist: men of undoubted loyalty to their ruler, who at the same time possess high moral principles of their own, in defence of which they are prepared to suffer death. Such men would have little appeal for Li Ssŭ, who believed that good government can be maintained only by severity, not by moral principles.

It is remarkable, by the way, how often in the texts of this period officials who have been unjustly thrown into prison or who have fallen into disgrace, are represented as comparing themselves with these saintly men. [1] It would almost seem as if in the late Chou dynasty and early Han dynasty texts, whenever an official was unjustly imprisoned, it was the usual literary fashion for the writer describing the event to represent the victim as comparing himself with at least one of these three heroes. This fact seems to be a result of the Chinese view of the universe, which tends to divide both the human and the physical worlds into a number of fixed categories, and which, in the human world, tries to classify each man under one of these categories. [2] The process is well exemplified in

[1] See, for example, p. 75, where all three are mentioned; also *Shih Chi*, ch. 88, p. 1b, where Meng I, under conditions similar to those of Li Ssŭ, mentions Wu Tzŭ-hsü together with three other noble ministers, and p. 2a, where his brother, Meng T'ien, similarly names Kuan Lung-feng and Pi Kan.

[2] See below, pp. 226—227; also Granet, *La Pensée chinoise*, pp. 415—416.

such works as the *Hsin Hsü* and *Shuo Yüan* by Liu Hsiang (77—6 B.C.), in which, by citing hundreds of historical anecdotes, the author tries to classify moral conduct under certain set categories, according to which, in his belief, all men can be judged.

Li Ssŭ's lament, therefore, when examined closely, is seen to be essentially Confucian in spirit, in contrast to his own strongly Legalistic ideas. This fact, in addition to the curious use of *wu* instead of *wo* in the accusative, makes it very probable that this part of the biography cannot date back to Li Ssŭ's own time, but has been invented by Ssŭ-ma Ch'ien for literary effect.

* * *

The memorial which follows (pp. 51—52), in which Li Ssŭ cites his seven 'crimes', is a powerful piece of work, quite in harmony with his character, and fully worthy of his undoubted literary ability. Most of its statements, furthermore, are confirmed by other sources. [1] It is only necessary to note, what has already been pointed out (p. 90), that Li Ssŭ's mention here of his sending out of plotters to the other feudal states, may be the origin of the earlier paragraph devoted to this subject.

The account of Li Ssŭ's death (pp. 51—52), and its differences from the version given in the sixth chapter, have already been discussed. [2] In all essential respects I believe it to be accurate. Only one slight discrepancy exists: the fact that according to other sources, Li Yu, the son of Li Ssŭ, was killed by the rebels in the month following that in which Li Ssŭ was executed, and not prior to that event, as stated in the biography. [3]

* * *

We come now to the last section of the biography (pp. 52—54), which serves as a kind of epilogue to the biography as a whole, being an account of events in Ch'in from the death of Li Ssŭ (which occurred sometime between July 30 and August 27, 208 B.C.), down to the final collapse of the dynasty (sometime between January 11 and February 9, 206). The many peculiar features of this epilogue make it almost certain that it does not come from the hand of Ssŭ-ma Ch'ien himself, but is a later addition. Let us study them one by one.

(1) In the first place, the epilogue describes political events in Ch'in quite disconnected from the biography of Li Ssŭ himself,

[1] See the enumeration of Li Ssŭ's achievements on pp. 122—123.
[2] P. 85. [3] See p. 52, note 1.

which logically should conclude with his death. Ssŭ-ma Ch'ien does not usually add epilogues in this way to his biographies. (Sometimes he adds sections dealing with the descendants of the main person portrayed, but such a practice is quite different from narrating political events wholly disconnected from the chief subject.) This, on the face of it, gives plausibility to the supposition that the epilogue has been added by a later writer.

(2) Not only this, but the epilogue's version of political events differs in many respects from that contained in the *Shih Chi*'s sixth chapter.[1] For example, the account of Chao Kao's presentation of the deer to Erh-shih is not quite the same.[2] Also the narration of subsequent events, including the prognostication by the Great Diviner, Erh-shih's retirement from the court, and his death, diverges considerably from the sixth chapter version.[3] Again, the biography erroneously states that Tzŭ-ying was a younger brother of Shih-huang, whereas actually he was the son of Shih-huang's elder brother.[4] The biography, further, says that the stabbing of Chao Kao was done by a eunuch named Han T'an, at Tzŭ-ying's orders, whereas the sixth chapter says that Tzŭ-ying did the stabbing himself.[5] Finally, the biography states that Tzŭ-ying held the throne for three months before his overthrow by the rebels, whereas actually it was but forty-six days.[6] So many differences within a short space, even if they are but minor ones, strengthen our suspicion that this epilogue has been added by a later hand.

(3) But the most peculiar feature of the epilogue revolves around the Chinese taboo of certain words which enter into the personal names of Confucius, of the Emperors of the reigning dynasty, of one's own parents, etc. In accordance with this custom, we should expect Ssŭ-ma Ch'ien to avoid the use of the character *t'an* 談, a rather common word which means 'to discuss', 'to converse', because it forms the personal name of his father, Ssŭ-ma T'an 司馬談. This, in fact, is exactly what Ssŭ-ma Ch'ien has done elsewhere. Thus in the cases of Chao T'an, Li T'an and Chang Meng-t'an, men who are mentioned in various parts of the *Shih Chi*, Ssŭ-ma Ch'ien has in every instance substituted the word *t'ung* 同 for the word *t'an* 談, so that they actually appear in the

[1] See *Mém. hist.*, II, 211—217. [2] See p. 52, note 5. [3] P. 53, note 5.
[4] P. 54, note 1. [5] P. 54, note 3. [6] P. 54, note 4.

Shih Chi as Chao T'ung, Li T'ung and Chang Meng-t'ung.[1] Again, in the case of two nobles mentioned in the chronological tables in the *Shih Chi,* Lü T'an 呂談, Marquis of Hsin-yang 新陽, and Liu T'an 劉談, Marquis of Yung 庸, the word *t'an* 談, which appears in their names, has in each case been replaced by *t'an* 譚, another word which has the same pronounciation but is written quite differently.[2] It is a surprise, therefore, to find that in the epilogue of Li Ssŭ's biography, the tabooed word *t'an* 談 occurs in the name of the eunuch, Han T'an 韓談, who by rights, according to the examples cited above, should either be called Han T'ung or Han T'an (replacing 談 by 譚). Why has Ssŭ-ma Ch'ien allowed this forbidden word to appear here, when he has so carefully avoided it elsewhere in his history?

In order to answer this question, I have examined the few other places in the *Shih Chi* where the word *t'an* actually does occur, both as part of a name, and in its usual meaning of 'to discuss', 'to converse'. The instances which I have discovered are the following: (1) In the chapter on the state of Chin (ch. 39), in which the word *t'an* occurs in the name of Hui-po T'an 惠伯談, who was the father of Duke Tao of Chin, and who is mentioned under the first year of the latter's reign, 572 B.C.[3] (2) In the beginning of the biography of Hsün Tzŭ.[4] (3) In the biography of Tsou Yang 鄒陽, in two places: one near the end, the other at the very end of the biography.[5] (4) Toward the latter part of the biography of Ssŭ-ma Hsiang-ju 司馬相如.[6] (5) Once in the intro-

[1] See *Shih Chi,* ch. 125, p. 1a; ch. 76, p. 1b; and *Mém. hist.,* V, 49, 51. These references have already been pointed out by Ch'ien Ta-hsin (1728—1804), in his *Erh-shih-erh Shih K'ao I* (An Examination of the Differences in the Twenty-two Histories), *chüan,* 5, p. 12b; also by Ch'en Yüan, 'The Traditional Omission of Sacred and Imperial Names in Chinese Writtings' (in Chinese), in the *Yenching Journal of Chinese Studies,* no. 4 (Dec., 1928), p. 555.

[2] See the *Shih Chi,* chs. 18, p. 8a, and 21, p. 9a. These instances have been pointed out by Liang Yü-sheng, in his *Shih-chi Chih-i, chüan* 21, p. 27b.

[3] See *Mém. hist.,* IV, 327. This has been pointed out by Liang Yü-sheng, *op. cit.,* p. 27b.

[4] Ch. 74, p. 2a, in which it occurs in the phrase: 談天衍,雕龍奭.

[5] Ch. 83, pp. 4a (in the phrase, 故有人先談), and 4b.

[6] Ch. 117, p. 10b, in the phrase, 因斯以談.

ductory sentences at the very beginning of the biography devoted to clever speakers, and again twice in the biography of the comedian Meng 優孟, whose life is given in this same chapter. [1] In examining these five chapters, I have been struck by the fact that every one of them contains features which, quite aside from the occurrence of the word *t'an,* tend to indicate that they, or at least parts of them, are not the work of Ssŭ-ma Ch'ien. Let us consider them one by one.

(1) *Chapter on the State of Chin*: The mention of the name of Hui-po T'an in this chapter occurs almost exactly midway in a section of a few pages describing the assassination of Duke Li of Chin in 573, and the events leading up to this; the selection and establishment of his successor, Duke Tao (572—558); and the events in the latter's reign. [2] I propose, therefore, to compare these pages in some detail with the parallel but earlier account of the same events given in the *Tso Chuan.* Before doing so, however, I should like to point out that though the *Tso Chuan* frequently refers to Hui-po T'an, it always mentions him simply as Hui-po, and never gives his personal name, T'an. [3] This in itself should make us wonder why Ssŭ-ma Ch'ien has added the word *t'an* to the name here, when he has so carefully avoided its use in the names of persons elsewhere.

The following are some of the main discrepancies between the *Shih Chi* and the *Tso Chuan.* References to the latter are always to the French translation of Couvreur.

(*a*) *Shih Chi* (*Mém. hist.,* IV, 325—326): States that in the eighth year of his reign (573 B.C.), Duke Li went out hunting. *Tso Chuan* (II, 161): States that this hunt occurred not in the Duke's eighth year, but in his seventh.

(*b*) *Shih Chi* (IV, 326): States that a man named Hsü T'ung said to Duke Li, following the arrest of two plotters: "If you do not execute these two men, disaster will overtake Your Highness." *Tso Chuan* (II, 164): Attributes this speech not to Hsü T'ung, but to quite another person, a certain Chiao of Ch'ang-yü.

(*c*) *Shih Chi* (IV, 326—327): States that "on the day *i-mao* in the intercalary month," Duke Li was imprisoned by conspirators. *Tso Chuan* (II, 166): Says that it was the murder of Hsü T'ung,

[1] Ch. 126, pp. 1a, 1b, 2a.
[2] See *Mém. hist.,* IV, 325—329. The name of Hui-po T'an occurs on p. 327.
[3] See Couvreur's translation, I, 486, 500, 517, 526, 545, 549; II, 544.

and not the imprisonment of Duke Li, that took place on this month and day.

(*d*) *Shih Chi* (IV, 327): States that the successor of Duke Li, the future Duke Tao, was met by people of his state at a place called Chou, and was established as Duke. It then goes on to state that on the day *keng-shen,* in the first month of the first year of Duke Tao (572 B.C.), Duke Li was murdered. But this is a mistake, for while the *Tso Chuan* (II, 167) agrees that the murder took place on this month and day, it gives the year not as the first of Duke Tao (572 B.C.), but as the eighth of Duke Li (573 B.C.). Hence it is apparent that the *Shih Chi's* words, ". . . in the eighth year" (of Duke Li), which erroneously appear in the present text under section *a,* actually should be transferred to this point, so that the text should read: "On the day *keng-shen,* in the first month of the eighth year (of Duke Li)." At the same time the words, "In the first year of Duke Tao," which in the present text precede the account of Duke Li's murder at this point, should actually be shifted so as to appear below under section *g.*[1] Not only this, however, but the brief account of the welcoming of the future Duke Tao at Chou, and his establishment as Duke, which appears in this section *before* the assassination of Duke Li, must surely be an interpolation, for precisely the same events, narrated in greater detail, appear immediately below. It is evident, then, that this whole section of the text has been seriously tampered with.

(*e*) *Shih Chi* (IV, 327): Describes how, following the death of Duke Li, the future Duke Tao was met by a certain Chin official, and went to a place called Chiang, where he made an oath with the great officials of Chin and was established as Duke. This is the part that proves that the similar but briefer account of the welcoming of the Duke given in the preceding section must be an interpolation. *Tso Chuan* (II, 167—168): Describes the event in much greater detail, and states that the future Duke Tao was first met by two Chin officials at a place called Ching-shih, and then held a general meeting with the great officials of Chin at Ch'ing-yüan, where he agreed to succeed Duke Li. The Ch'ing-yüan meeting is confirmed by the *Kuo Yü.*[2] Liang Yü-sheng concludes from these differences that the *Shih Chi* text is defective at this place.[3]

[1] These textual emendations are suggested by Liang Yü-sheng, *Shih-chi Chih-i, chüan* 21, p. 27a.

[2] *Chin Yü,* VII, 1. [3] *Op. cit.,* pp. 27a—27b.

(*f*) *Shih Chi* (IV, 327): Continues with an account of how Duke Tao formally ascended the throne. At this point the text contains a genealogy of Duke Tao's family, in which the name of Hui-po T'an, who was his father, appears. This is immediately followed by a speech made by Duke Tao on his accession, but which, owing to the preceding genealogy, does not connect very clearly with the earlier events that have been described. This fact suggests the possibility that the genealogy has been interpolated in the text by the same person who interpolated the account of the welcoming of Duke Tao at Chou (see under section *d*), and who has made the chronological changes and other mistakes already pointed out.

(*g*) *Shih Chi* (IV, 328): States that in the autumn following Duke Tao's accession (i. e., in his first year), Chin attacked the state of Cheng. But according to the *Tso Chuan* (II, 180—181), this campaign occurred in the summer, and not in the autumn, of the Duke's first year. Liang Yü-sheng suggests, therefore, that the words, "In the first year of Duke Tao," which in the present text erroneously appear under section *d*, should be transposed to this point, and that the word 'autumn' should be changed to 'summer'. [1]

(*h*) The *Shih Chi* (IV, 328—329) states that the pacification of the Jung tribes by Chin took place in the third year of Duke Tao (570 B.C.), but according to the *Tso Chuan* (II, 203—208) this event occurred in 569.

(*i*) The *Shih Chi* (IV, 329) states that in 562 Ch'in attacked Chin and seized a place called Li; the *Tso Chuan* (II, 278) merely says that Ch'in defeated Chin at this place.

(*j*) The *Shih Chi* (IV, 329) records that in the year 559, Chin avenged itself on Ch'in by defeating it, yet according to the *Tso Chuan* (II, 295—298), this campaign actually ended in an inglorious retreat for Chin. [2]

(*k*) In the fifteenth and last year of Duke Tao (558 B.C.), says the *Shih Chi* (IV, 329), when the music master K'uang was asked by Duke Tao about good government, he replied that "its roots are solely 'benevolence' (*jen* 仁) and 'righteousness' (*i* 義)." This conversation is recorded neither in the *Tso Chuan* nor the *Kuo Yü*. The former (II, 307—310), however, states that in the four-

[1] *Op. cit.*, p. 27b.

[2] This discrepancy holds less weight than the others, however, since the chapter on the state of Ch'in in the *Shih Chi* also describes this campaign as a victory for Chin. See *Mém. hist.*, II, 49.

teenth year of Duke Tao (559 B.C.), when the Duke asked the music master K'uang what he thought about another ruler who had been expelled from his state by his people, he was treated to a long moralizing speech, in which K'uang said among many other things: "A good ruler . . . nourishes his people like his own children, shelters them like Heaven, and supports them like Earth." It seems evident, therefore, that whoever wrote this portion of the *Shih Chi,* did so by greatly abbreviating the account of the conversation as given in the *Tso Chuan,* at the same time changing its circumstances and content, and recording it under the wrong year.

Considered point by point, these discrepancies may not hold much weight, but taken in their entirety they offer impressive evidence that these few pages of the *Shih Chi* could hardly have been reduced to their present form by Ssŭ-ma Ch'ien himself, a careful historian who usually follows the *Tso Chuan* fairly closely. The chronological changes pointed out under sections *a, c, d* and *g,* and the repetitious passages in *d* are especially significant, for they show clearly that the original text has been disturbed at these places and has suffered rearrangement by a later hand. It is highly probable, therefore, that the mention of Hui-po T'an, which occurs in the midst of these sections, under section *f,* belongs to this later reconstitution, and hence that the word *t'an* does not go back to Ssŭ-ma Ch'ien himself. But let us return now from this long digression, to a consideration of the other instances of the use of the word *t'an* in the *Shih Chi.*

(2) *Biography of Hsün Tzŭ*: The chapter of which this forms a part has long been a puzzle to scholars. Known under the title of 'Biographies of Mencius and Hsün Ch'ing', it yet introduces material about Tsou Yen, Shen Tao, Kung-sun Lung, Mo Tzŭ and other lesser philosophers, in a most disjointed and irregular manner. The result is that the chapter jumps about from one man to another in a way that makes it seem almost certain that the original text has been tampered with. The biography of Hsün Tzŭ, for example, begins with the words: "Hsün Ch'ing was a native of Chao. When he was fifty years old he first came as a travelling scholar to Ch'i." Then follows an utterly unconnected passage which speaks about Tsou Yen, Shun-yü K'un and T'ien P'ien. It is in this passage that the word *t'an* occurs. After this, the narrative returns to its proper subject, Hsün Tzŭ. I think we are justified, therefore, in assuming that this passage (and probably many of the other disjointed refer-

ences made in the same chapter to various philosophers), is a later interpolation in Ssŭ-ma Ch'ien's original narrative. Such a hypothesis, indeed, has already been suggested by other scholars. [1]

(3) *Biography of Tsou Yang*: This biography, unlike the preceding, does not contain anything which seems like an obvious interpolation or anachronism. [2] The whole biography, however, presents a most curious appearance; properly speaking, it can hardly be called a biography at all. Thus the first three or four lines describe briefly how Tsou Yang was unjustly thrown into prison. Then the remainder of the biography, extending for several pages, gives a verbatim account of the memorial which Tsou Yang wrote in prison protesting his innocence, and which he submitted to the noble who had imprisoned him. The final sentence of the biography states that after the memorial was submitted, the noble in question released Tsou Yang and gave him an official position. Nothing more than this is said; the whole biography consists simply of this one document written in prison.

The life of Tsou Yang is presented quite differently in the *Ch'ien Han Shu* (ch. 51), where this document forms only one of several different elements which have been put together to give a picture of Tsou Yang's whole life. One may well ask why, if Ssŭ-ma Ch'ien wished to write the biography of Tsou Yang, did he restrict it to this one document? Being almost a contemporary of Tsou Yang, he should have known more about him than did the author of the *Ch'ien Han Shu*. Why, then, is the latter's account so much fuller and superior to that in the *Shih Chi?*

Not only this, but the memorial itself is remarkable for the way in which an unending succession of historical allusions and quotations follow each other through its pages, often without great regard for sequence or connection. The thing reads almost as if it had been put together as a literary exercise by someone who was anxious to display his scholarly erudition. Among these allusions and quotations are some which find no corroboration elsewhere, for example one (p. 3a) which states: "The state of Sung laid trust

[1] See Duyvendak, 'The Chronology of Hsün-tzŭ', in *T'oung Pao*, vol. 24, no. 2, p. 78.

[2] Chavannes, *Mém. hist.*, I, ccix, points out that at the end of the *Shih Chi's* eighty-third chapter (the chapter which contains Tsou Yang's biography), there is a reference to Emperor Chao, whose reign began in 74 B.C., i. e., some years after the death of Ssŭ-ma Ch'ien. This is a slip, however, for this reference actually occurs at the end of ch. 84.

in the plot of Tzŭ Han and imprisoned Mo Ti." As Professor Ch'ien Mu has shown, this statement is devoid of any historical foundation. [1]

Finally, the position of Tsou Yang's biography in the *Shih Chi* as a whole is peculiar. The first part of chapter eighty-three, in which it is found, is devoted to Lu Chung-lien, a travelling statesman who lived during the first half of the third century B.C.; Tsou Yang, on the other hand, lived during the middle of the second century B.C., more than a hundred years later. The preceding chapter in the *Shih Chi,* chapter eighty-two, contains a biography of T'ien Tan, a man who lived during the first half of the third century B.C., and therefore a contemparary of Lu Chung-lien. Chapter eighty-four, which follows, contains the biographies of Ch'ü Yüan (died about 299 B.C.) and Chia I (198—165 B.C.), who are thus as widely separated in time from each other as are Lu Chung-lien and Tsou Yang. Ssŭ-ma Cheng, therefore, in his comment at the beginning of chapter eighty-three, suggests that the original order of these biographies has been lost, and that their proper arrangement should be: (1) Lu Chung-lien to be grouped with his contemporary in time, and his immediate predecessor in the *Shih Chi,* T'ien Tan, to form one chapter; (2) the life of Ch'ü Yüan to form a separate chapter; (3) Tsou Yang to be grouped with his Han contemporary, Chia I, to form a third chapter.

But if it is possible that the Tsou Yang biography has thus been shifted from its original position, it is also possible that it has undergone further alteration; certainly its conventionality and its limited form put it in a class well below that of most of Ssŭ-ma Ch'ien's biographies.

(4) *Biography of Ssŭ-ma Hsiang-ju*: There is no doubt that at least a portion of this biography is a later addition, since at the very end there is a mention of the Han scholar, Yang Hsiung, who was born in 53 B.C., that is, many years after the death of Ssŭ-ma Ch'ien. [2] Yet we can go even farther than this in our conclusions. The biography of Ssŭ-ma Hsiang-ju also appears in the *Ch'ien Han Shu* (ch. 57), where, since this work is much later than the *Shih Chi,* it might logically be supposed to have been copied from the latter. But a careful comparison of the two offers convincing

[1] See his *Hsien-Ch'in Chu-tzŭ Hsi-nien,* sect. 44.
[2] See Chavannes, *Mém. hist.,* I, ccix.

evidence, I believe, that exactly the opposite has taken place; that is, that the version in the *Ch'ien Han Shu* is primary, and that in the *Shih Chi,* secondary. The following are a few of the more striking textual differences which occur in the first few pages:

(*a*) *Shih Chi:* 故其親名之曰犬子.
Ch'ien Han Shu: 名 犬子.

(*b*) *Shih Chi:* 梁孝王令與諸生同舍.
Ch'ien Han Shu: omits this.

(*c*) *Shih Chi:* 相如之臨邛.
Ch'ien Han Shu: omits this.

(*d*) *Shih Chi:* 文君竊從戶窺之, 心悅而好之.
Ch'ien Han Shu: 文君竊從戶窺, 說[1]而好之.

(*e*) *Shih Chi:* 卓王孫聞而恥之.
Ch'ien Han Shu: 卓王孫 恥之.

These comparisons could be continued throughout the biography, but I think enough have been given to show that the *Shih Chi*'s account, whenever it differs from the *Ch'ien Han Shu,* does so because of its effort to be more elaborate and clearer. As is shown in the above examples, the *Shih Chi* often expands the account given in the *Ch'ien Han Shu,* or even supplies whole new phrases and sentences which the latter lacks entirely. This is exactly what we would expect if we supposed that the *Ch'ien Han Shu* biography was written first, and then copied from there into the *Shih Chi.* It is hardly conceivable that the reverse of such a process could have occurred. Indeed, in the case of many of the chapters which are the same or similar in the *Shih Chi* and in the *Ch'ien Han Shu,* it is probable that the former has copied from the latter, and not the other way around. [2]

[1] The fact that the word 說, in the sense of 'to be delighted with', is an archaic form of the word 悅, strengthens the probability that the version in the *Ch'ien Han Shu* is earlier and that in the *Shih Chi* is later.

[2] For example, Professor Haloun believes that the greater part of the *Shih Chi*'s ch. 123 (on Ferghana), is an interpolation that has been made by combining chs. 61 and 96 of the *Ch'ien Han Shu.* See his 'Zur Üe-tsï-Frage', in *Zeitschrift der Deutschen Morgenländischen Gesellschaft,* vol. 91, no. 2, 1937, p. 250, note 1.

(5) *Biographies of Clever Speakers:* On the first page of this chapter, in the biography of Shun-yü K'un, appear two statements which are controverted by facts elsewhere. One is that the King of Ch'i, at Shun-yü K'un's suggestion, summoned seventy-two of the *hsien* Prefects of Ch'i to court. The unreliability of this statement will be discussed in some detail later. [1] The second is a conundrum which Shun-yü K'un is reported a few lines earlier as having asked the King of Ch'i: "In the middle of the capital there is a great bird which for three years has been staying in the King's courtyard without flying and also without singing. Does the King know what this bird is?" This conundrum, together with the King's answer, is reported almost word for word the same in another chapter of the *Shih Chi,* but there it is attributed to an entirely different person, who lived several centuries earlier, and who asked it, not of a King of Ch'i, but a King of Ch'u. [2] Such serious discrepancies are already enough to throw the reliability of this chapter into serious doubt.

Even greater anachronisms are to be found in the biography of the comedian Meng, which follows that of Shun-yü K'un, and which contains two of the three instances of the occurrence of *t'an* 談 in this chapter. This biography begins with the words: "In the time of King Chuang (613—591) of Ch'u . . ." It then mentions the states of Han, Chao and Wei, which did not exist until more than a century and a half after this time. Ssŭ-ma Cheng rightly comments on this passage: "These are the words of a sophist, which some later person has added as a literary decoration." Finally, the biography closes with the words: "Two hundred odd years later Ch'in had the comedian Tan." Yet this comedian Tan, so we are told in the biography that immediately follows, lived in the time of Ch'in Shih-huang, or in other words, more than three hundred and fifty years after the comedian Meng.

It is impossible to suppose that such a careful historian as Ssŭ-ma Ch'ien could fall into such manifest errors. Much more plausible is the supposition that the whole biography, and perhaps the whole chapter, has been put together by some other writer. In fact, the remainder of the chapter, following the biography of the comedian Tan, is admittedly a later addition by the well known *Shih Chi* interpolator, Ch'u Shao-sun, who lived at the end of the first

[1] See p. 242.
[2] See *Mém. hist.,* IV, 350.

century B.C. [1] It is interesting, incidentally, to note that the word *t'an* also occurs once in this addition. [2]

This long digression on chapters other than Li Ssŭ's biography has been necessary in order to show that in the texts where the word *t'an* 談 occurs, other factors are also to be found which render these passages suspect. By analogy we can conclude that the epilogue of Li Ssŭ's biography, which contains the word *t'an,* and which also presents other inconsistencies, is not from the hand of Ssŭ-ma Ch'ien. We can, furthermore, quite apart from the study of Li Ssŭ, arrive at a principle of some importance in the textual criticism of the *Shih Chi.* This is: whenever the word *t'an* 談 occurs in the *Shih Chi* (and there are probably other instances of its use which I have not discovered), these passages or chapters can be held suspect of having been added by some later writer, and should be examined for other evidence of this fact.

CONCLUSION

Before closing, it may be well for the sake of clarity to summarize the main conclusions we have reached. These are: (1) The conversations between Chao Kao and Hu-hai (pp. 26—28) and Chao Kao and Li Ssŭ (pp. 28—32), in which Chao Kao proposes that Hu-hai be placed on the throne, probably represent only what Ssŭ-ma Ch'ien *imagined* may have happened on this historical occasion, and not the speeches that actually were made. (2) The false letter sent by the three plotters to Fu-su (pp. 32—33) is also peculiar, owing to its use of the words *chen* 朕 and *wo* 我. (3) The next section of the biography (pp. 34—49), describing events between the accession of Erh-shih and the imprisonment of Li Ssŭ, seems to be based on the same sources as the account found in the *Shih Chi*'s sixth chapter, but differs considerably in the way it has been put together. (4) Li Ssŭ's lament, made when he was imprisoned (p. 49), is probably a literary embroidery by Ssŭ-ma Ch'ien. (5) The epilogue of the biography (pp. 52—54), describing events in Ch'in from the death of Li Ssŭ until the collapse of the Ch'in dynasty, is almost certainly an addition made by some later writer to Ssŭ-ma Ch'ien's original narrative.

[1] See Chavannes, *Mém. hist.,* I, cciii.
[2] See p. 2b.

CHAPTER V

CH'IN SHIH-HUANG-TI AND LI SSŬ

1. CH'IN SHIH-HUANG AS AN INDIVIDUAL

We have studied the life of Li Ssŭ in some detail. It is time now to examine the character of the ruler whom he served. What kind of man was Ch'in Shih-huang-ti, and what were his ideas? How much of the unification of China is owing to the master, Ch'in Shih-huang, and how much to the servant, Li Ssŭ?

Of all the schools of thought that arose during the latter part of the Chou dynasty, none seems to have had greater influence on Ch'in Shih-huang's own thinking than those of the Five Elements and of Taoism. The Chinese concept of five 'elements' (*hsing* 行) or 'powers' (*te* 德), namely earth, wood, metal, fire and water, is one that may possibly go back as early as the first half of the Chou dynasty. Sometimes we find these five elements being referred to in correlation with the five colors, five sounds, five tastes, five directions, etc., which are their supposed attributes. Often it is most difficult for the reader to determine in the texts whether the five elements are actually supposed to consist of the physical materials: earth, wood, metal, fire and water; or whether they are conceived of as five natural forces or powers, more or less abstract.

It was not until the third century B.C., however, that these ideas about the five elements were synthesized into a single system of thought, known as the School of the Five Elements, which was founded in the state of Ch'i by a certain Tsou Yen and his brothers. The chief contribution of this school is the conception that each period of history lies under the domination of one of the five elements, and that these elements forever succeed each other in a

fixed and endless cycle. Thus in this cycle each element overcomes its predecessor, flourishes for an allotted time, and then is in its turn conquered by the next element in the series. Metal, for example, after remaining dominant for a certain period of history, must inevitably be overcome by the next element in the series, fire (fire can melt metal), and fire, after a certain period, must as inevitably be succeeded in its turn by water. This process of succession is one that continues in an endless cycle and that determines all history.

During the latter part of the Warring States period, when the inter-state struggles for supremacy were at their height, it became obvious that the Chou dynasty, which was supposed to have ruled through the power of fire, would soon be no more, and that the state which was to found a new dynasty would be that one which succeeded in gaining the protection of water, the next element in the series. The eagerness of the feudal rulers to obtain this conquering element for themselves, made it possible for the exponents of the Five Elements school to travel from state to state, receiving the highest honors from their rulers, upon whom they practised trickery and charlatanism of all kinds.

It is not surprising, then, that when Ch'in completed the conquest of the other states in 221, Ch'in Shih-huang's first act was to make certain that his new empire would be protected by the new dominant element, water. The sixth chapter of the *Shih Chi* tells us what he did: [1]

"Shih-huang advanced the theory of the cyclic revolution of the Five Powers, and believed that, as the Power of the Chou had been that of fire, the fact that Ch'in replaced the Power of Chou, followed from the latter's inability to prevent the beginning of the power of water of the present age . . . He honored black as the color for clothing, and for pennons and flags. [2] He made six the standard number. [3] Contract tallies and official hats were all of six inches, while the chariots were six feet. Six feet made one pace, and each equipage had six horses. The (Yellow) river was renamed the Powerful Water (*te shui* 德水), because it was supposed that this marked the beginning of the power of the element water. With harshness and violence and an extreme severity, everything was decided by the law. For by punishing and oppressing, by having

[1] *Mém. hist.*, II, 128—130.
[2] Black was the color for water, just as red was for fire.
[3] Six was the number pertaining to water.

neither benevolence (*jen* 仁) nor kindliness, the ties of friendship nor social relationships (*i* 義), there would come an accord with the numerical succession of the Five Powers."

More corrupting in its influence upon Ch'in Shih-huang, however, was the Taoism of his day, which in its cruder forms gained tremendous influence during the Ch'in dynasty. The beginnings of Taoism are probably intimately connected with the many hermits (*yin shih* 隱士) who already in the time of Confucius, and perhaps even earlier, retired into the wilderness to escape from the wars and political troubles then afflicting human society. In the beginning these men were content to remain anonymous, but in the fourth and third centuries B.C., when Taoism attained to the stage of literary expression, it gradually developed from a mere means of escape from the troubles of the world, into a highly abstruse form of mysticism.

It was believed that by retiring into nature away from other men, and by withdrawing oneself from the world of human conflict, into a realm where the ordinary distinctions of right and wrong and of 'this' and 'that' no more exist, one could gain union with the all-embracing *Tao* 道 or Absolute. In such a state one would become a Sage, or, as the Taoists called it, a True Man. [1] Such a True Man was no longer like the ordinary human being. He possessed certain powers which freed him from conflicting emotions and desires, and from all the troubles of the world. His was truly a conquest of spirit over matter.

As time passed, however, the philosophical basis of Taoism became more and more obscured, while its outward attributes were ever more eagerly sought after. The belief arose that through the mere following of a certain physical regimen, including breathing exercises and various forms of meditation; or by withdrawal into the mountains or forests, one could become one of the Taoist True Men, and gain their magical powers. Of all these powers, none was so eagerly sought for as that of immortality, which it was believed was obtained through the partaking of some kind of elixir of life, which the True Men either found or concocted while in their retirement in the wilderness. Thus did Taoism, or at least one branch of it, degenerate from a lofty philosophy into mere sorcery, while at the same time many features of the School of Five Elements

[1] *Chen jen* 真人.

were incorporated in it. The extraordinary hold which this Taoist-Five Element system of magic gained over the people, and especially over Ch'in Shih-huang himself, during his reign, is graphically described in the chapter devoted to sacrifices in the *Shih Chi*: [1]

"It is from the times of Kings Wei (357—320) and Hsüan (319—301) of Ch'i, that the followers of the Tsou scholars discussed and wrote about the cyclic revolutions of the Five Powers. [2] When (the King of) Ch'in became Emperor (in 221), the men of Ch'i offered (these theories) to him, and so Shih-huang made use of them. . . . (They and) later on, all the men of Yen, practised methods to gain magical immortality, so that their bodies would gain release, dissolve and be transformed, relying for this upon their service to divine beings. . . .Tsou Yen. . . . was famous among the feudal lords, and the magicians who lived along the shores of the sea in Ch'i and Yen transmitted his arts, but were unable to comprehend them. Thereupon there arose innumerable persons who were skilled in extraordinary prodigies, in deceiving flatteries, and who knew how to win people over by evil means."

To Ch'in Shih-huang-ti, coming from the comparatively uncivilized state of Ch'in, such magic evidently made a powerful appeal. The elixir of immortality, especially, seems to have fascinated him, and though his first attempt to obtain the elixir was not made until 219 B.C., this is probably because it was only after the unification of China in 221 that he had the opportunity to travel to those parts of China, especially the states of Ch'i and Yen, where the magicians were most active. The sixth chapter of the *Shih Chi* describes this first attempt as follows: [3]

"Hsü Shih, who was a native of Ch'i, together with others, submitted a memorial saying: 'In the middle of the sea there are three supernatural mountains called P'eng-lai, Fang-chang and Ying-chou. Immortals dwell there. We beg that after we have been purified, we may, together with young boys and girls, go there to seek for them.' (The Emperor) thereupon sent Hsü Shih, together with several thousand young boys and girls, out to sea to search for the Immortals."

[1] *Mém. hist.*, III, ii, 435—436.

[2] For the dates of these two kings, I follow the chronology given by Ch'ien Mu, *op. cit.*, sects. 74, 120; also the identical chronology given by Maspero, 'La Chronologie des rois de Ts'i au IVe siècle avant notre ère', in *T'oung Pao*, 1927, no. 5.

[3] *Mém. hist.*, II, 151—152.

This expedition never returned, and some scholars have supposed, though without any real proof, that it reached Japan and settled there. At any rate, Ch'in Shih-huang in 215 again sent three men in search of the Immortals and the precious elixir. [1] Still again, in 210, we read that while touring the eastern seacoast, he made a search for a great fish which the magicians told him had caused the failure of the earlier attempts to reach the immortal isles. After following the coast for some time, armed with a large crossbow, he saw a large fish and killed it. It was shortly after this event that he fell ill and died. [2]

Of all Ch'in Shih-huang's encounters with the magicians, however, none was more momentous than that of 212 B.C., which led to the notorious burying of the literati. The whole affair began with a speech which one of the magicians made to Shih-huang. This speech, and the events that followed, are described in the *Shih Chi's* sixth chapter: [3]

" 'The ruler of men sometimes conducts his actions secretly in order to avoid evil spirits. [4] When the evil spirits are avoided, the True Men come. If the place where the ruler of men lives is known to his subjects, this will be injurious to (his becoming) a divine being. The True Man is one who enters water without being made wet, and fire without being burned. He rides upon the clouds and vapors, and exists as long as Heaven and Earth. At present Your Majesty rules the world without taking the least rest. We request that Your Majesty do not let anyone know in what palace he may be dwelling. After that the elixir of immortality may perhaps be obtained.'

"Shih-huang then said: 'I shall imitate the True Men,' and in speaking of himself he no longer used the word *chen,* [5] but called himself the True Man. He commanded that within a radius of two hundred *li* around Hsien-yang, the two hundred and seventy palaces situated there should be connected by covered roads and roads bordered with walls. Tents, canopies, bells, drums and beautiful

[1] *Mém. hist.,* II, 167.
[2] *Ibid.,* pp. 190—191.
[3] *Ibid.,* pp. 176—182.
[4] The word *wei* 微, translated as 'secretly', is one of the attributes of *Tao* (see the *Tao Te Ching,* ch. 14), and this whole speech has a strongly Taoist character.
[5] See p. 44, note 2, and pp. 93—94.

women should fill them, each to be stationed in one place and not to be moved elsewhere. When the Emperor favored a place with his presence, anyone who should say that he was there should be worthy of death.

"Shih-huang-ti went to the palace at Mount Liang. From the height of the mountain he saw that the carriages and cavaliers of the Grand Councillor were very numerous, a thing of which he did not approve. [1] Among the people of the palace, someone reported this to the Grand Councillor, who diminished the number of his carriages and cavaliers. Shih-huang was angry and said: 'This comes from one of the palace attendants having revealed my words.' He held a trial of inquiry, but no one admitted (guilt). This being the case, he ordered all those who had been with him at the time to be arrested, and had them executed. From this time onward, whenever he moved about, no one knew where he was."

Thus did Ch'in Shih-huang segregate himself from his ministers, and make of himself a mysterious, semi-divine being. [2] Following this event he became ever more erratic and severe, until some of the magicians could endure their situation no longer. 'Shih-huang," they said, "is a man whose nature is violent, cruel and despotic. . . . He thinks that since antiquity there has been nobody to equal him. . . . The Emperor delights in showing his intimidating power by means of punishments and executions. . . . To such a stage has his thirst for power reached." So saying, they fled. The rage of Shih-huang upon hearing this news was terrible, and in the words of the *Shih Chi*:

"He thereupon ordered the imperial inquisitors to hold an examination of the literati (*ju*). The literati placed the blame one upon the other. At this he himself selected those who had violated the prohibitions, numbering more than four hundred and sixty men, and had them all buried alive at Hsien-yang. [3] He made this act

[1] Though we are not told so, the Grand Councillor was probably Li Ssŭ.

[2] It is interesting to note that his son, Erh-shih, at the suggestion of Chao Kao, attempted the same thing. See p. 44.

[3] Chavannes, in note 3 on p. 119, remarks that there is no text authorizing the translation of the word *k'eng* 阬 as 'buried alive', and translates it in his turn as 'perished'. The fact that *k'eng* means 'a pit', however, would certainly suggest its translation as 'buried alive'. Moreover Wei Hung 衞宏 (alive c. A.D. 25), in his introduction to the *Ku Wen Shang Shu*

known throughout the empire as a warning for the future, and had a large number of criminals sent to the frontiers.

"The eldest son of Shih-huang, Fu-su, remonstrated with him, saying: 'The empire has now for the first time been pacified, and the black headed ones of distant regions have not yet united with us. The literati all recite and imitate Confucius. Yet now Your Majesty binds them all with severe laws. I fear that the empire will not remain at peace. May it please Your Majesty to consider the matter.'

"Shih-huang was angry and sent Fu-su to the north to oversee Meng T'ien in the commandery of Shang."

It will be remembered that it was Fu-su's exile with Meng T'ien which made Chao Kao's plot to put Hu-hai on the throne possible. Fu-su seems to have been a person of considerable ability, who, according to Ssŭ-ma Ch'ien, was described by Chao Kao as "firm, resolute, warlike and courageous; a sincere man and a spirited gentleman." [1] Had he reached the throne, the whole course of the Ch'in dynasty might have been different, so that the downfall of the Ch'in may in one way be said to have come as a result of Shih-huang's own superstitions.

An instance of the way in which even an inanimate object could arouse Shih-huang's rage, occurred in 219. While he was visiting a certain mountain during one of his tours, he found all further progress barred by a strong and persistent wind. So infuriated was he that he put three thousand convicts to work to hew down all the trees on the mountain; then, not content with this, ordered them to paint the mountain red, which was the color worn by condemned criminals. [2]

Again, in 211, when a meteor had fallen at a certain spot, someone engraved on it the words: "Shih-huang-ti will die and his land will be divided." After trying in vain to discover the responsible person, Shih-huang ordered all persons who were living near the stone to be executed, while the meteor itself, according to the records, he

古文尚書, describes this execution of the scholars in a way that leaves no doubt that burying alive is meant. See *Tz'ŭ Yüan* 辭源, under the term, *k'eng ju* 阬儒.

[1] See p. 29.

[2] *Mém. hist.*, II, 154—156. One may well ask how such a feat would be possible. The text is not very clear, and what may actually have happened was that some of the projecting rocks of the mountain were merely daubed red, thus symbolising the idea.

ordered to be heated and melted by fire. Despite these measures, this event left him worried and unhappy, and we read that following it, he ordered the 'scholars of wide learning' to write poems about the immortal 'True Men' of Taoism who so fascinated him. [1]

All of the foregoing incidents show that Ch'in Shih-huang was not entirely a normal person. In the first place, like many powerful but relatively uncultured conquerors, he must have had an intense fear of death, as shown by his several eager attemps to find the elixir of immortality. Indeed, the *Shih Chi* once says of him that "Shih-huang disliked to speak of death, and none of his ministers dared to talk about affairs of death." [2]

Three attempts to assassinate Ch'in Shih-huang may help to explain this characteristic. The first was made in 227 by a certain brave named Ching K'o, who had been sent to Ch'in by the state of Yen for this purpose. The attempt, though a failure, came very near success, and it must have left a lasting impression on Shih-huang, for the *Shih Chi* tells us that following it, "the King of Ch'in was not at ease for a long time." [3] Later, probably soon after the Ch'in unification in 221, a second attempt was made by a friend of Ching K'o, who had gained access to Shih-huang by becoming a court musician. This also failed, but so narrow was Shih-huang's escape that we read that "to the end of his life he did not again allow followers of the feudal lords to come close to him." [4] Still a third attempt was made in 218, when a certain Chang Liang, who was originally a native of Han, and who wished to avenge Ch'in Shih-huang's conquest of that state, tried to murder Shih-huang while the latter was travelling through what is now Honan. This attempt, like the others, ended in failure, because Chang Liang launched his attack by mistake upon the wrong chariot in the imperial cortege. [5]

A tendency toward megalomania is another abnormal streak in Ch'in Shih-huang's psychology. This is not surprising, for such an obsession has been common to many conquerors and rulers, both past and present, and Ch'in Shih-huang's achievement in unifying China, coming at the end of centuries of warfare, was one which to

[1] *Mém. hist.*, II, 182—183.
[2] *Ibid.*, p. 191.
[3] *Shih Chi*, ch. 86, p. 5a.
[4] *Ibid.*, p. 5b.
[5] *Shih Chi*, ch. 55, p. 1a, and *Mém. hist.*, II, 156—157.

himself as well as to his associates must indeed have seemed almost superhuman.

The desire for grandeur appears in almost everything we read about Shih-huang: the title he assumed of 'First Sovereign Emperor', which was to continue in his family as 'Second Sovereign Emperor', 'Third Sovereign Emperor', etc., for ten thousand generations; the many self-laudatory tablet inscriptions erected by him throughout the empire; his fierce rages against any man or thing that thwarted him; his ascensions of the Chinese sacred mountains to offer sacrifice; his attempts to make of himself a semi-divine being; and his construction of tremendous palace buildings, as well as of the Great Wall itself. No less than seven hundred thousand convicts, we are told, labored to build for him the enormous O-pang palace near the capital, and to prepare his future sepulchre at Mount Li (the construction of which was begun in 212 B.C.). Of the former, it is said that it measured five hundred paces (corresponding to 2,500 feet) from east to west; five hundred feet from south to north; and that it would seat ten thousand persons. [1]

Still other evidence of the tremendous importance Shih-huang attached to himself, is the way in which he tried to prolong his life, as seen in his almost pathetic attempts to find the elixir of immortality. Even after the inevitable end arrived, he remained as grandiose in death as he had been in life. His tomb was filled with all kinds of valuable objects. It was surrounded by underground rivers of mercury and lined with bronze. On the ceiling of the vault were represented the constellations of heaven, and on the floor was shown the extent of Shih-huang's empire. Crossbows were arranged which would automatically discharge their arrows upon anyone who attempted to break inside.

On Shih-huang's burial, he was followed in death by a vast host of his concubines, while many of the workmen who had built the tomb were buried with him, so that none should know its secrets. The entrance was blocked up and disguised, and the whole mound planted over with grass and bushes so that it would look like an ordinary hill. [2] Thus in death, as is life, Ch'in Shih-huang strove to make of himself a strange and awe-inspiring figure.

[1] *Mém. hist.*, II, 174—176.
[2] *Ibid.*, pp. 193—195.

2. CH'IN SHIH-HUANG AND LI SSŬ'S ACHIEVEMENTS

We now see Ch'in Shih-huang as a man who was impetuous, easily swayed in his emotions, and grossly supersitious, a temperament often characteristic of the powerful but uncultured conqueror. Li Ssŭ, on the contrary, appears as a man who was cold, calculating, and eminently rational, and it is noteworthy that not once does the *Shih Chi* mention him as being in any way involved in Shih-huang's superstitious excesses. [1] Nowhere, to be sure, do we find his attitude toward superstition definitely stated, but in all probability it was closely similar to that of his teacher, the rational and humanistic Hsün Tzŭ, in whose works there are many passages strongly attacking the superstitions of his day. [2]

Could such a ruler as Ch'in Shih-huang, we may fairly ask, a man superstitious and credulous to the last degree, have accomplished what he did through his own judgment alone? Certainly his superstitions cannot be excused on the ground of age, for he was born in 259, which means that he was only fifty years old when he died. When he ascended the throne, he was only thirteen, and for this reason, during a period of almost ten years, the power was held by Lü Pu-wei. Significantly, the year 237, which saw Lü Pu-wei's downfall after becoming involved in an intrigue, also witnessed Li Ssŭ's rise to prominence, through his noted memorial opposing the expulsion of aliens. With Lü Pu-wei's exile from the court, the youthful Ch'in ruler turned for support quite naturally to Li Ssŭ, a man more than twenty years his senior, and one who had already acquitted himself brilliantly. During the rest of his life, Shih-huang depended more and more on Li Ssŭ's guidance, and though we hear of other advisers, there was not one whose importance could in any way compare with that of Li Ssŭ.

When we read in the *Shih Chi,* therefore, of the great deeds performed by Ch'in Shih-huang, we should remember that in all likelihood they are attributed to him through courtesy only, and that probably their actual author was usually Li Ssŭ. For the abolition of feudalism and the Burning of the Books, at any rate,

[1] When he demanded the Burning of the Books, Li Ssŭ, to be sure, spared books of divination from the general destruction, but in so doing he was probably only bowing to the belief, held generally in China, and perhaps especially strong in Ch'in, in the efficacy of divination.

[2] See the *Hsün-tzŭ,* translation of Dubs, pp. 179—182, 275—276.

there can be no doubt that Li Ssŭ alone was responsible, and his biography reveals the real state of affairs regarding other reforms, when, after enumerating the various achievements of the new Ch'in empire, it states that "in all these affairs (Li) Ssŭ exerted himself." [1]

What, exactly, were these achievements? They are indicated in several passages in Li Ssŭ's biography: [2]

"After more than twenty years the empire was finally united. The King was honored by becoming Sovereign Emperor, and he made Li Ssŭ his Grand Councillor. He established commanderies, prefectures and townships, and melted up the weapons of these, with a view that they should not again be used (against Ch'in). He caused Ch'in to be without a single foot of territory of feudal investiture, and did not establish his sons and younger brothers as Kings; but meritorious ministers were made nobles. This was done to ensure that later on there should be none of the miseries of warfare."

The biography states again: [3]

"The confiscation and destruction of the *Shih,* the *Shu,* and the discussions of the various philosophers, done for the purpose of making the people ignorant, and of bringing it about that none within the empire should use the past to discredit the present; the clarification of the laws and the fixation of the regulations: all this began with Shih-huang. He made the systems of writing uniform, established palaces and country villas, and extensively travelled throughout the empire. . . . In all these affairs (Li) Ssŭ exerted himself."

A somewhat similar passage appears in chapter six of the *Shih Chi*: [4]

"(Ch'in Shih-huang then) divided the empire into thirty-six commanderies, and in these commanderies he established Administrators, Military Governors and Overseers. . . . At a great banquet he received all the weapons in the empire, and had them brought together at Hsien-yang. There they were melted into bells and bell supports, and made into twelve metal human figures, each weighing one thousand *tan,* these being placed within the imperial palace. The laws and rules and weights and measures were unified; carts were

[1] See p. 24.
[2] Pp. 21—22.
[3] P. 24.
[4] P. 79.

all made of equal gauge; and the characters used in writing were made uniform. . . . The powerful and rich people of the empire, amounting to one hundred and twenty thousand families, were moved to Hsien-yang. . . . Each time Ch'in had destroyed a feudal lord, it copied the plan of his palace and had it rebuilt at Hsien-yang."

Confirmation that many of these acts really originated with Li Ssŭ, is supplied in the seven 'crimes' enumerated by him in the memorial which he wrote in prison shortly before his death: [1]

"Your servant used his meagre talents to the utmost, carefully establishing laws, secretly sending out plotters, giving them gold and precious stones, and causing them to travel about and advise the feudal lords, and secretly to prepare armor and weapons. He spread the teaching of (imperial) government, gave position to men of arms, honored meritorious officials, and enriched their ranks and revenues. In this way it was ultimately possible to annex the Six States, make captives of their kings, and establish (the King of) Ch'in to be Son of Heaven. . . . He also expelled the Hu and the Ho along the north, and imposed rule upon the various Yüeh in the south. . . . He reformed harmful policies, equalized the *tou* and *hu* measures, the measures of weight and size, and the written characters, and made these universal throughout the empire. . . . He laid out imperial highways and inaugurated (imperial) tours of inspection. . . . He relaxed the punishments and reduced the collection of taxes."

In later chapters we shall consider the significance of these various acts, but before doing so, let us first turn our attention to the dominant concept which motivated all these acts, and which may best be defined as the concept of empire.

[1] Pp. 50—51.

CHAPTER VI

THE CONCEPT OF EMPIRE

The following pages describe the development of a new political concept, which first became prominent in the third century B.C., and which I call the concept of empire. It probably played a more important part in the life of Li Ssŭ than in that of any other man of his time, and therefore I discuss it here, because it forms the ideological background against which we can later study his material achievements.

During the century or more prior to Ch'in Shih-huang's time, the rulers of Ch'in, like those of most of the other feudal states, ruled with the title of *wang* 王 or King. Shih-huang himself, in fact, before 221, was known simply as King Cheng 政王. After the unification of China, however, it was felt that the title of *wang* was no longer adequate to express the added dignity to which the King had attained, and so, partially at the suggestion of Li Ssŭ and other officials, he adopted the new title of *huang ti* 皇帝, which I have translated as 'Sovereign Emperor'. [1] To this he added the prefix of *shih* 始, 'first', and decreed that "later generations will be enumerated as 'second generation', 'third generation', and so unto one thousand and ten thousand generations, transmitting themselves without end." [2]

In order to understand the significance of this title, it is necessary to study the history of the words, *huang* and *ti,* in some detail. The word *ti* 帝 first appears among the bone and tortoise shell inscriptions, used for divination, which date from the Yin or Shang dynasty (1766?—1123? B.C.). On these inscriptions the word seems to be used as the name of a sacrifice; it is a pictograph representing

[1] See pp. 77—78.
[2] See p. 34, note. 1.

a bundle of burning wood, ready for an animal to be placed on it as a burnt offering. By degrees, however, by a process not unknown in other parts of the world, the name of the sacrifice seems to have become confused with the name of the divine beings sacrificed to, until *ti* no longer signified the sacrifice, but meant only the divine beings themselves. [1]

Who these deities actually were it is difficult to determine. Perhaps they were originally no more than the dead rulers of the Shang dynasty, as suggested by the fact that several of these kings seem to have had the title *ti* prefixed to their names after their death. In contradistinction from these *ti,* however, another and more powerful *ti* also existed, who is frequently mentioned in the bone and bronze inscriptions and in the earliest texts, and who is often differentiated from the others by the title of *shang ti* 上帝 or 'Highest Ti'. This term, usually translated as 'God', has frequently been used as an argument to prove that the Chinese were originally a monotheistic people. Such a theory is hardly possible, however, for if the supposition is correct that *ti,* as a deity, originally referred only to the dead kings of the Shang dynasty, then it is possible that *shang ti* was actually no more than the first deified ancestor of the Shangs. In any case *shang ti* was, if the highest, nevertheless only one of many deities, and the other deified ancestors seem to have possessed in varying degrees almost all of *shang ti*'s powers. [2]

When the Shang dynasty was superseded by the Chou, the practice of applying the title of *ti* to dead kings fell into oblivion. *Shang ti* continued as a supreme deity, however, and if he was originally conceived of as the first ancester of the Shang dynasty, this idea now quite disappeared. Indeed, the Chou rulers even seem to have tried to take him over as the founder of their own family. [3] In literary works of the early part of the Chou dynasty, such as the *Shih Ching,* the term *shang ti* is often used quite synonymously with the word *t'ien* 天 (usually translated as 'Heaven'), and is represented as signifying the supreme power of the universe.

But while *shang ti,* as a supreme being, continued to hold an

[1] See H. G. Creel, *The Birth of China,* p. 182.

[2] Creel, *op. cit.,* pp. 183—184.

[3] See *Shih Ching* (Book of Odes), III, ii, Ode 1, in which it is stated that the first ancestor of the Chou family was born of a woman who conceived after she stepped into the footprint of *shang ti.* See also IV, ii, Ode 4.

important place in Chinese thought even until much later times,[1] the word *ti*, used alone, underwent some interesting changes. During the second half of the Chou dynasty it became divested of much of its supernatural significance, to the extent, at least, that it could be applied as a title of respect to persons of this world as well as to divine beings of the next. At first it was used in this way only in references to the sage rulers of long ago, Yao and Shun; mythical beings who, though possesed of superhuman qualities, were represented as men who ruled on earth, and not divinities from another world.

The first writer by whom Yao and Shun are referred to in this way is Mencius (371?—289?), who, speaking about Shun, says of him: ". . . .from the time when he ploughed and sowed, exercised the potter's art and was a fisherman, to the time when he became *ti*, he was continually learning from others."[2] In this passage it is obvious that the word *ti* has lost most of its divine associations. Shun is represented as an ordinary man of the people, a farmer, potter and fisherman, who became *ti* not through supernatural means, but through his own high moral qualities and ability. The title of *ti* is here merely the designation of the position acquired by him when he ascended the throne as the successor of Yao, and thus became ruler over the civilized world.

Yao and Shun were primarily heroes of the Confucians, but it was not long before the Taoists also created from folklore or myth a half-human half-divine being whom they named Huang Ti 黃帝, the Yellow 'Emperor', and whom they considered as their founder. Later, still other ancient worthies appeared from the mists of folklore, and toward the end of the Chou dynasty five of these were grouped together under the title of the Five 'Emperors' or *wu ti* 五帝.[3]

These beings, however, were all rulers who had lived in the golden age of long ago; figures who, if they were human to the extent that they lived on this earth, at the same time possessed a wisdom and powers that were almost supernatural. No one in the

[1] See p. 53, where the term occurs in Li Ssŭ's biography.

[2] See *Mencius*, II*a*, 8. For other references to Yao and Shun as *ti*, see V*a*, 1 and 2; V*b*, 3.

[3] For their names, see p. 21, note 1. For other references to them in the present work, see pp. 77—78, 81, 84, 215.

Warring States period had as yet dared to apply the word *ti* to any ruler of his own time.

But this last step was not long in coming. The Chou sovereigns themselves had always ruled with the simple title of *wang* 王 or King, even though at the same time they were known as the Son of Heaven (*t'ien tzŭ* 天子), a title which gave them a divine right for their position. During the early Chou dynasty the feudal lords were arranged under them in a hierarchy of five grades, with titles corresponding roughly to Duke, Marquis, etc. [1] Even before the time of Confucius, however, the rulers of the state of Ch'u, which had always lain outside this feudal system, had been known by the title of *wang*, and thus, in name, at least, held themselves on a par with the kings of Chou. But toward the latter centuries of the Chou dynasty, when the Chou kings became completely impotent, the rulers of the other states also usurped for themselves the title of *wang*. As early as 588 B.C., in fact, the Duke of Ch'i had suggested to the Duke of Chin that the latter become *wang*, but the Duke of Chin was afraid of such a step and so refused. [2] In the year 370, however, the ruler of Wei definitely assumed this title, and his example was speedily followed by the rulers of the other states. [3]

The title of *wang*, however, soon no longer carried with it much prestige, since it rapidly came to be held even by petty princelings of no political importance. The heads of the larger states of the fourth and third centuries B.C. were ambitious men, eager to extend their influence by every means in their power, and so they looked eagerly for some title higher than *wang* that would give them increased prestige. At the same time they hesitated to adopt the old title of 'Son of Heaven' (which in any case was more a descriptive appellation than a formal title), both because by such an act they would openly indicate their intention of upsetting the existing status quo, and perhaps also because the term itself had by this time lost

[1] See p. 133.

[2] *Mém. hist.*, IV, 321.

[3] According to the *Shih Chi*'s chronology, King Wei of Ch'i began his reign in 378 B.C., but this is a mistake, for he actually reigned only from 357 to 320. See p. 115, note 2. This leaves King Hui of Liang (the name by which the state of Wei was known in his time), as the first to have usurped the title of *wang*, for he began his reign in 370.

much of its former awe-inspiring qualities, owing to its long association with the weak Chou rulers.

Only one course remained open to them: to assume *ti* as their title, a word rich with religious and historical associations, and hence ideal for their purpose. By so doing they would not violate the existing order, since the use of *ti* in this way was something completely new, and at the same time they would subtly indicate to their contemporaries the fact that they possessed the very virtues attributed to the ancient sages, Yao and Shun, who had once held this title.

The first instance of the kind occurred in the year 288 B.C., when the states of Ch'in and Ch'i, in the west and east of China respectively, seem to have decided to divide China between them into two spheres of influence. The King of Ch'in assumed for himself the title of Ti of the West (*hsi ti* 西帝), and conferred upon the King of Ch'i the corresponding title of Ti of the East (*tung ti* 東帝). The time was not yet ripe for such a revolutionary step, however, and in the same year the King of Ch'i, in order to gain praise for his own magnanimity and at the same time cast censure upon his Ch'in rival, revoked the title. The King of Ch'in, unwilling to bear the opprobrium for engineering this innovation alone, speedily followed suit. [1]

The next attempt came two years later, after Ch'i had annexed the small state of Sung. One of the travelling politicians of the time sent a letter to the King of Yen, suggesting that the latter take the title of Ti of the North (*pei ti* 北帝), the King of Ch'in take the title of Ti of the West (*hsi ti*), the King of Chao take the title of Ti of the Center (*chung ti* 中帝), and that the three rulers combine to attack Ch'i. For some reason that we do not know, this plan also failed. [2]

The third attempt took place in the year 257, when Ch'in was besieging Han-tan, the Chao capital. Chao was in desperate straits, and someone suggested that if the King of Chao would confer on the Ch'in ruler the title of *ti* (which the latter had desired ever since his renunciation of it in 288, but had not since dared to assume himself), Ch'in would agree to raise the siege. At the advice of a

[1] See *Chan Kuo Ts'e* (*Ch'i Ts'e*, IV, 10); also *Mém. hist.*, II, 84; V, 266—269.

[2] See *Chan Kuo Ts'e* (*Yen Ts'e*, I, 11); also *Shih Chi*, ch. 69, pp. 6a—6b.

travelling politician, however, this plan was abandoned, and Chao was later saved by the arrival of reinforcements. [1]

Thus the word *ti*, which had originated as the name of a sacrifice, had by the middle of the third century B.C. acquired a predominantly political significance. The possession of this title was the goal aimed at by every ruler stirred by thirst for power.

This history of the development of the word is important for an understanding of the dominant part which the concept of empire (which by 250 B.C. was chiefly expressed in the word *ti*), played in the thought of the third century. Especially was it prominent in the thinking of Li Ssŭ; indeed, it forms the guiding principle which determined his conduct throughout a lifetime. Already when he was a young man, Ssŭ-ma Ch'ien says of Li Ssŭ that he "became a follower of Hsün Ch'ing in studying the methods of emperors (*ti*) and kings." [2] When he took leave from Hsün Tzŭ and went to Ch'in in search of employment, he did so on the plea that "the King of Ch'in desires to swallow up the world and to rule with the title of Emperor (*ti*)." [3] During his first speech with the Ch'in King, he urged the latter to "bring to reality the imperial heritage (*ti yeh* 帝業), and make of the world a single unity." [4] And in his memorial opposing the decree for the expulsion of aliens, this same term occurs when he says of King Chao of Ch'in that "he brought to realization. . . . the imperial heritage," alluding by these words to the virtual extinction of the House of Chou by Ch'in in 256. [5]

These references, made many years before Ch'in Shih-huang-ti officially adopted *ti* as part of his title in 221, might seem ana-

[1] See *Chan Kuo Ts'e* (*Chao Ts'e*, III, 13); also *Shih Chi*, ch. 83, pp. 1a—2a. It is only fair to state, however, that in the opinion of Ch'ien Mu, this story is not reliable. According to his supposition, the passage in the *Chan Kuo Ts'e* has been taken from that in the *Shih Chi*, which in itself has been constructed from unreliable materials. See his *Hsien-Ch'in Chu-tzŭ Hsi-nien*, sect. 155.

The above account of the word *ti*, from the last line of p. 125 down to this point, though considerably elaborated, is based for its essential facts on the excellent study by Ku Chieh-kang and Yang Hsiang-kuei, *San Huang K'ao* (The History of the 'Three Emperors' in Ancient China), monograph series no. 8 of the *Yenching Journal of Chinese Studies*, 1936, pp. 9—10.

[2] *Ti wang chih shu* 帝王之術. See p. 12.

[3] See p. 13.

[4] P. 14.

[5] P. 17 and note 6.

chronistic if we had not studied the significant position held by this word already in Li Ssŭ's time. Once seen in the light of this ideological background, however, they help us to understand the motivation that guided Li Ssŭ in his every step. Even when he was about seventy, Li Ssŭ could still discourse to Erh-shih on 'the Way of the Emperor', [1] and Ssŭ-ma Ch'ien quite correctly says of him that his greatest achievement was that he "brought to realization for him (i.e., for Ch'in Shih-huang) the imperial heritage (*ti yeh*)". [2] Few men in history have pursued this concept of empire with more rigid determination than did Li Ssŭ.

This long study of the word *ti* has caused us to lose sight of its companion word *huang* 皇, which Ch'in Shih-huang joined to it in his title. During the early Chou dynasty, when *ti* was still used only in the meaning of a supreme being, *huang* was often combined with it or with the word *t'ien* 天 (Heaven) as an adjective in such expressions as *huang ti, huang t'ien,* or the combined phrase, *huang t'ien shang ti.* As used in this way, *huang* seems to have expressed the idea of august, mighty, majestic, etc. [3]

In later times, however, when *ti* was largely divested of its religious significance, becoming first a title of respect for the sage rulers, Yao and Shun, and then acquiring largely a political significance, the need arose for another word that would better express *ti*'s earlier meaning. The result was that *huang,* which had first been merely a qualifying adjective of *ti,* now actually came to replace the latter in certain cases, as for example in the term *shang huang* 上皇, used as an equivalent for *shang ti.* Examples of such usage can be found in the *Li Sao,* and in other poems belonging to the group known as the *Ch'u Tz'ŭ* (of the third century B.C.). [4]

Finally *huang* was in its turn brought back to earth by Ch'in Shih-huang's adoption of it to form part of his title. In combining it with *ti,* Shih-huang may have been actuated to some extent by the desire to make himself appear to his subjects as a semi-divine being. [5] The word *huang,* indeed, could still retain its religious significance in some cases, as shown by the fact that immediately

[1] *Ti tao* 帝道. See p. 43 and note 2.

[2] See p. 55.

[3] See Ku Chieh-kang and Yang Hsiang-kuei, *op. cit.,* sect. 2, pp. 3—8.

[4] Ku Chieh-kang and Yang Hsiang-kuei, *op. cit.,* pp. 10—12.

[5] See ch. 5, sect. 1, especially pp. 117, 120.

following his adoption of the title of *huang ti* for himself, Ch'in Shih-huang conferred upon his deceased predecessor, King Chuang-hsiang of Ch'in, the title of 'The Great Huang on High'. [1]

Yet though the words *huang* and *ti* thus inevitably carried with them traces of their earlier religious associations, there is little doubt that as used in their combined form by Ch'in Shih-huang for himself, their primary meaning was a political and not a religious one. They could be borne solely by a person who held the position of supreme ruler over a united China, though at the same time the belief may well have existed that only a man possessing super-human qualities could attain to such a position. It is often difficult to distinguish the human from the divine in the popular mind, and nowhere more so than in China, where human beings have often become deified as gods.

That the political meaning, despite such ambiguities, was the primary one, becomes evident from the speech which Chao Kao made when, after having caused Erh-shih to commit suicide, he placed Tzŭ-ying on the throne in his place. In this speech he says: "Ch'in was formerly a state with a king (*wang*). But Shih-huang, being ruler over the entire empire (*t'ien hsia* 天下), was therefore called *ti*. Now that the six states have once more come into being and the territory of Ch'in has become smaller, it is not permissible for the word *ti* to be used as an empty name. It is fitting that he (the new ruler) should be called king (*wang*), as of old." And with these words he established Tzŭ-ying as King of Ch'in. [2]

Another confirmation of this meaning is the fact that in 202 B.C., after the founder of the Han dynasty had finally quelled all opposition, his ministers asked him to assume the title of *huang ti,* saying: "The great King arose from humble origins to punish oppressors and rebels, and pacify (all within) the four seas. For those who performed meritorious deeds he has parcelled out territory and enfieffed them as Kings and Marquises. If the great King does not possess an honorific title, they will all doubt him and not believe in him." We read that after three refusals, the Han founder was prevailed upon to accept the new title. [3]

[1] *T'ai shang huang* 太上皇. See *Mém. hist.*, II, 128.

[2] *Mém. hist.*, II, 215.

[3] *Mém. hist.*, II, 380—381.

From these passages it is obvious that by the latter part of the third century B.C. the words *huang* and *ti,* combined as a title, possessed primarily a political and not a religious meaning, a meaning which they have continued to hold down to the present time. I think, therefore, we are fully justified, when we meet this term in the texts of the period, to translate it as 'Sovereign Emperor', as has been done in the present work.

CHAPTER VII

THE ABOLITION OF FEUDALISM

Whether feudalism existed in China prior to the Chou dynasty is extremely doubtful, since the Shang dynasty, which preceded the Chou, did not possess a large territory, and its kings were probably little more than small local chieftains.[1] But when the Chou supplanted the Shang (traditionally in 1122 B.C.), fiefs of land were granted by the victorious ruler to his brothers, to meritorious ministers, and also to the descendants of the Shang and of other early ruling families, so that they might continue the sacrifices to their ancestors. This step marked the probable beginning of feudalism in China, and seems to have been done chiefly in order to gain general support for the new ruling dynasty.[2] Its institution proved but a boomerang, however, for while the House of Chou steadily declined in power during the succeeding centuries, the many feudal states that it had thus founded became on the contrary more and more powerful, until they ended by crowding the parent house off the stage altogether.

Of this feudal system, as it supposedly existed when still in its prime during the early part of the Chou dynasty, Mencius (371?—289?) has left us a detailed description:[3]

"The Son of Heaven (*t'ien tzŭ* 天子) constituted one dignity the Duke (*kung* 公) one; the Marquis (*hou* 侯) one; the Earl (*po* 伯) one; and the Viscount (*tzŭ* 子) and Baron (*nan* 男) each one of equal rank: a total of five ranks. . . .

[1] See H. G. Creel, *The Birth of China,* pp. 135—136.

[2] See Otto Franke, 'Zur Beurteilung des chinesischen Lehenwesens', in *Sitzungsberichte der preussischen Akademie der Wissenschaften,* no. 31, 1927, pp. 361—365.

[3] *Mencius,* V*b*, 2. See also the account in the *Li Chi,* first part of ch. 3, which borrows much from Mencius.

"To the Son of Heaven there was allotted a territory of a thousand *li* square. A Duke and a Marquis each had a hundred *li* square; an Earl had seventy *li,* and a Viscount and Baron had each fifty *li*: a total of four gradations. Where the territory did not amount to fifty *li,* its ruler could not himself have access to the Son of Heaven, and his land was attached to some Marquis and was called a *fu-yung* 附庸

"In a large state, where the territory was a hundred *li* square, the ruler had ten times as much income as his chief ministers; a chief minister, four times as much as a great officer; a great officer, twice as much as a scholar of the first class; a scholar of the first class, twice as much as one of the middle; a scholar of the middle class, twice as much as one of the lowest; the scholar of the lowest class, and such of the common people as were employed about the government offices, had the same revenue: as much, namely, as they could have made by tilling the fields. . . ."

The revenues in the smaller states, according to what Mencius says, were graded on a similar plan, though with minor variations. The *Li Chi* tells us also that a total of 1,763 states existed in the early Chou dynasty under this system, without counting the lands belonging to the officials of the first class who were attached to the Son of Heaven, or the small dependent states called *fu-yung.* [1]

Probably no system of feudalism so elaborate and exact as this has ever existed in China, but the account nevertheless permits us to gain some idea of what the reality may have been. The weakness of such a system of government is obvious: an over-elaboration of offices, together with no means whatsoever, beyond that of moral suasion, of holding the structure together. What happened after the first Chou kings had passed away, has been briefly but accurately described by Li Ssŭ in his speech urging the abolition of feudalism: [2] "The fiefs given by (Kings) Wen and Wu of the Chou to their sons, younger brothers, and the members of their family, were extremely numerous. But as time passed these near relatives became divided and estranged; they attacked each other as if they were enemies. More and more the feudal lords killed and warred with one another, without the Son of Heaven of Chou being able to prevent them."

[1] See *Li Chi,* ch. 3 (Couvreur's translation, I, 269).

[2] See p. 79.

Later, many attempts were made to bolster up feudalism. For example, during the centuries preceding Confucius, the institution of Lord Protector or *Pa* 霸 came into existence, whereby the feudal lord who happened at the moment to command the largest following, assumed certain of the functions of the by then almost impotent Chou rulers, and attempted to keep the peace. Under these nobles several assemblies of what may, perhaps, be called the world's first league of nations, were held, but these attempts at unity failed. During later times the Confucians, particularly, tried to maintain the feudal system, quite failing to realize that the causes of the disorder of their time were inherent in feudalism itself, and that new economic conditions (such as the introduction of the iron plough share) were changing the social structure. The only outward result was increasing warfare, and during the fourth century B.C. the last pretence at allegiance to the central Chou authority vanished when the ruler of Wei, followed by those of other states, usurped the title of King in 370 B.C. [1]

Such had been the system of feudalism which was definitely smashed by Ch'in in 221 when, probably at Li Ssŭ's recommendation, the entire empire was divided into thirty-six *chün* 郡 or commanderies, which in their turn were divided into *hsien* 縣 or prefectures. Each *chün* was governed by a *chün-shou* 郡守 or Administrator, who had charge of civil affairs, and by a *chün-wei* 郡尉 or Military Governor, who had charge of the troops. These men were appointed by, and responsible to, the central Ch'in government. In addition to them there was a *chien-yü-shih* 監御史 or Overseer, who seems to have held a controlling power over the acts of the Administrator. Each *hsien,* similarly, was in charge of a Prefect, called a *ling* 令 in the case of *hsien* of more than ten thousand households, and a *chang* 長 in *hsien* of smaller size. [2]

This system of *chün* and *hsien,* which is the direct ancestor of the provincial and prefectural system of today, is often spoken of as having originated under Ch'in Shih-huang. In an appendix, however, I have assembled a list of references to *hsien* and *chün* in early China, showing conclusively that both had already existed for centuries previous to Ch'in Shih-huang's time. References for

[1] See p. 127, and note 3.
[2] For these offices, see *Mém. hist.,* II, 531.

many of the statements that follow, may be found in tabular form in this appendix.

Much that is discussed in the following pages, has, I am aware, little direct connection with Li Ssŭ. The fact, however, that the institution of the *hsien* and *chün*, in various states, marked a tendency away from pure feudalism and toward a more direct system of centralized state control, makes an understanding of their development essential for a correct appraisal of Li Ssŭ's own achievement in finally abolishing feudalism altogether.

Of the two administrative units, *hsien* and *chün*, there is no question that the former is the earlier, and Ch'in, where it is first referred to in the years 688 and 687, seems to have been its birth place. Ch'in had originally been established by King Hsiao of Chou (909—896) as a petty feudal state of the *fu-yung* or subsidiary class, [1] but for centuries, because of its remote situation in the far west, it had been allowed to go its own way with but little contact with the rest of China. Because of this lack of contact, it was not held back by the mass of conservative tradition which bound the rest of China, and, at the same time, the constant threat of invasion from the non-Chinese Tartars along the northwest frontiers, spurred it on to introduce many administrative innovations. It is not surprising, then, that the *hsien*, wherein lay the germs for the ultimate destruction of feudalism, should first have been instituted in Ch'in.

From Ch'in, the *hsien* seems to have passed to the neighboring state of Chin (which in 403 B.C. divided to form the states of Han, Chao and Wei), where it is first heard of in 627. Spreading to Ch'u, another border state occupying the Yangtze valley in the south, it is first mentioned here in 498. Yen, in north China, also seems to have adopted the *hsien*, though the exact date is uncertain. Ch'i, occupying the Shantung peninsula in far eastern China, is thus left as the one important state in which the *hsien* does not seem ever to have become firmly established. The reasons for this curious fact will be discussed later on. [2]

How did the *hsien* originate? A plausible hypothesis is that it was first instituted as a means of governing newly captured terri-

[1] See *Mém. hist.*, II, 10—11.

[2] See for these facts the tabulation of *hsien* given on pp. 238—240. Some evidence for the existence of *hsien* in Ch'i may be advanced, but in the appen., pp. 240—243, I point out why it seems to me inadequate. In any case there is little doubt that if the *hsien* ever did exist in Ch'i, it must have played a very minor role there.

tory. Such was the case in Ch'in, where, in 688 and 687, four newly acquired territories were converted into the first *hsien* of which we have record. The same process also occurred in other states. [1] In this stage of development, the *hsien* system probably existed parallel to, but not in conflict with, feudalism, since it was applied only to new land that had been either captured from non-Chinese tribes, or from other Chinese states. Later, no doubt, the *hsien* was introduced by various states into the territories of their own feudal vassals, especially in cases in which a vassal had died leaving no posterity, or was becoming too powerful for the state's own safety. An instance of the latter occurs in the year 514, when the lands of two powerful clans in Chin were seized by the minister of that state, and converted respectively into seven and three *hsien*. [2]

What was the size of the average *hsien*, and how many of them were there in the individual states? The first question is a little difficult to answer, and no doubt wide variations existed, but we know that in 537 each *hsien* in Chin could furnish an army of one hundred war chariots, or in other words, about six hundred men. [3] Later on, the *hsien* seems to have grown in size so that it could include as many as eight or ten thousand households. [4] Probably in ancient, as in modern China, it consisted of a central town, which was the seat of the administration, surrounded by outlying villages and open country. As to how many *hsien* there were in the individual states, we know that nine existed in Ch'u in 597; forty-nine in Chin in 537; and thirty-one in Ch'in in 350. [5]

Finally, what was the exact relationship of the *hsien* to the state which held it? The answer to this question is the most difficult of all, and one which can only be surmised from hints scattered here and there in historical records. In the opinion of one modern scholar, Chang Yin-lin, the *hsien* were under the direct control of the central

[1] See for Ch'in, *Mém. hist.*, II, 20—21; for Ch'u, the *Tso Chuan* (Couvreur's translation, I, 607, 611; II, 183; III, 733); for Yen, *Shih Chi*, ch. 80, p. 1b.

[2] *Tso Chuan* (Couvreur, III, 439—445).

[3] *Tso Chuan* (Couvreur, III, 109).

[4] The latter figure appears in the year 453 in the *Chan Kuo Ts'e* (*Chao Ts'e*, I, 2). In the same work (*Ch'in Ts'e*, V, 5), Ch'in's great minister, Lü Pu-wei, is said in 250 to have been given twelve *hsien* by the state. The *Shih Chi* (ch. 85, p. 1b), states that this gift amounted to 100,000 households, which would mean that each *hsien* had an average of 8,300 households.

[5] See the *Tso Chuan* (Couvreur, I, 611; III, 109); *Mém. hist.*, II, 65—66, and note 1 on p. 66.

state government, and were administered by men appointed by the state, who collected taxes in the *hsien,* judged law cases, and performed other administrative duties, entirely on behalf of their state ruler.[1] The position of such men would thus probably not be hereditary.

We might suppose something of this kind from the very fact that the *hsien* were originally established by the states as administrative units quite distinct from the feudal fiefs. More direct evidence, however, is found in the year 514, when we read that the state of Chin seized the lands of two powerful clans within its borders, converted them into a total of ten *hsien,* and appointed ten men to govern them.[2]

Several instances occur, on the other hand, when *hsien* were actually given to individuals as feudal fiefs (*feng* 封).[3] Of the forty-nine *hsien* that existed in Chin in 537, likewise, nine are expressly stated to have been under the control of two powerful clans. Elsewhere we hear of three men contending for the possession of a *hsien,* and of two men exchanging *hsien* with each other.[4] Still other cases occur when worthy officials of the state were 'awarded' (*shang* 賞), 'given' (*yü* 與 or *yü* 予), or had 'received' (*shou* 受) *hsien* from the ruler.[5] While the exact significance of such expressions is uncertain, they would seem to suggest that something more valuable was being conferred than merely a non-hereditary position such as a *hsien* Prefect.

The truth probably is, first: that the exact status of the *hsien* varied at different times and places; secondly: that the *hsien* were sometimes used for purposes for which they had not originally been intended. Officials who had been appointed to administer certain

[1] See his *Chou-tai ti Feng-chien She-hui* (Feudalism in the Chou Dynasty), in *Ts'ing Hua Hsüeh Pao,* vol. 10, no. 4 (Dec., 1935), p. 826.

[2] See the *Tso Chuan* (Couvreur, III, 439—445). For another instance of the state of Chin appointing a man to be *hsien* Prefect, see *ibid.* (Couvreur, II, 543, 545).

[3] In 453, the suggestion was made in Chao that two individuals should each be enfieffed with a *hsien* of 10,000 households. See *Chan Kuo Ts'e* (*Chao Ts'e,* I, 2). In 250, again, Lü Pu-wei was given twelve *hsien* as a fief. See p. 137, note 4. It should be noted, however, that the word *feng* 封 does not always necessarily mean 'enfief', but may also signify 'to confer' (office or position).

[4] These instances occurred in Chin in 539 and 535. See the *Tso Chuan* (Couvreur, III, 63—64, 140).

[5] *Tso Chuan* (Couvreur, I, 436, 658; II, 469—470; III, 439—445, 607).

hsien, no doubt would come to regard them more and more as their own property, rather than as districts to be governed on behalf of the state authority; and so, in this way, the posts to certain *hsien* probably tended to become hereditary. No doubt, too, certain clans within a state gradually gained control over *hsien* which had originally been established by their state ruler, or they themselves created *hsien* from their own lands. Thus in 537, as already pointed out (p. 137), of the forty-nine *hsien* which existed in Chin, nine were in the possession of two clans, leaving forty others over which the Chin ruling house probably retained a greater measure of direct control.

In theory, then, the development of the *hsien* system tended to weaken feudalism, and to give the state ruling families a higher degree of centralized control. In practice, however, these ruling families often failed to prevent *hsien* from passing out of their direct control into that of their powerful vassals. In the case of Chin, this failure was disastrous, and after violent internal disorders, which shook it to its very foundations, three of the most powerful clans succeeded in partitioning it into three territories, which, in the year 403, became formally recognized as the states of Han, Chao and Wei. The result was that Chin, which until this time had been dominant in China, now lost much of its power, leaving it to Ch'in, Ch'u and Ch'i to fight out the struggle for supremacy during the Warring States period.

With the advent of this period, we must turn our attention to the development of the *chün* 郡 or commandery, which now became prominent. The first *hsien* had been established, as we have seen, by Ch'in in 688, but it was Ch'in's neighbor, Wei, which seems to have been the first to establish *chün.* Two of these in Wei are mentioned about 400 and in 361; one of them was acquired by Ch'in in 328, the first year when we hear of *chün* in that state; and we next hear of them in Ch'u in 312, and in Chao at about the same time. In Han they do not seem to have been established until somewhat later, while the date for Yen is uncertain.[1] In the case of the *chün,* as in that of the *hsien,* Ch'i seems to have been the only state of importance in which the system never existed.

This fact raises interesting speculations, and gives support to a theory that was first advanced by the noted historical critic, Yao

[1] See the tabulation of *chün* given on pp. 244—246.

Nai (1731—1815).[1] This theory, which would give a plausible explanation for the origin of the *chün* system, asserts that the *chün* were not originally established as civil administrative areas within the states, but were created as militarized zones along the borders of those states which were on the periphery of the Chinese hegemony, and hence were face to face with the uncivilized tribes of non-Chinese race, especially the Tartar tribes of the northwest. In this respect, the *chün* would be somewhat analogous to the *hsien,* which, as we have seen, were established in Ch'in probably as a means of governing newly captured outlying territory. For the reasons that follow, this hypothesis seems to be more satisfactory than any other yet offered.

First, the states in which *chün* were first established, those of Wei, Ch'in, Chao and Ch'u (to which we may add Yen, though the date of establishment there is uncertain), were all peripheral states that bordered barbarian tribes in exactly the way described. A study of the *chün* in these states, moreover, shows that they were indeed located in the dangerous frontier regions.

Secondly, the *Shih Chi* actually states in the case of Wei and Yen, that these states established their *chün* as barriers against Tartar tribes. It also states that they, as well as Chao, constructed great walls along their frontiers which would serve the same purpose.[2] Later on, when the *chün* system became more general, *chün* were also established along frontier regions that bordered other Chinese states, as well as along those bordering non-Chinese territory.[3]

Thirdly, the word *shou* 守, the title given to a *chün* Administrator, means 'to hold' or 'to maintain', and so suggests that the function of the official who bore it was to 'hold' or 'maintain' the frontier *chün* entrusted to him against outer invasion.

Fourthly, such a theory would explain why in Han, a state entirely surrounded by other states, and hence not exposed to barbarian attack, we hear of no *chün* until comparatively late,

[1] See his commentary to Ku Yen-wu's (1613—1682) *Jih Chih Lu, chüan* 22, *Chün-hsien* section. The latter essay still remains one of the best discussions on the rise of the *chün* and *hsien.*

[2] See the *Shih Chi,* ch. 110, pp. 2a—2b.

[3] A case in point is the Huai-pei territory, which was made into a *chün* by Ch'u in 248, and is expressly said to have been established as such because it constituted a dangerous region along the Ch'u-Ch'i border. See *Shih Chi,* ch. 78, p. 2a.

in 262, when Shang-tang is mentioned there as a *chün*. It is significant that this region of Shang-tang formed a long finger of territory that extended northward into the heart of the rival state of Wei, and hence was of paramount military importance.

Finally, the theory helps to explain why Ch'i, occupying the Shantung peninsula in far eastern China and hence far removed from the Tartar tribes, never had the *chün* system at all. Another factor enters here, however, and that is that just as western China, and especially Ch'in, was the region where the philosophy of Legalism developed during the Warring States period, so Ch'i (together with the neighboring state of Lu, which it politically dominated), had for centuries been the home of Confucianism and of the traditions which Confucianism tried to perpetuate. And just as Legalism, as we shall see in a later chapter, was the fierce opponent of feudal privilege and of the social structure which it supported, so Confucianism was its staunch adherent. [1]

Certainly the congruency between these two determining factors, the one ideological, the other environmental, is more than mere accident, and their combination explains why the *hsien* and *chün* systems never seem to have developed in Ch'i. It also reveals the sharp cleavage which existed even at that time between east and west China, a cleavage which goes back at least as early as the beginning of the Chou dynasty, and which we shall find repeated when we come to consider the development of writing in the next chapter. In this cleavage we see the beginning of that pendulum-like shift of power between east and west, which for centuries has supplied the chief motif in Chinese history, until replaced, more than a thousand years after the Chou dynasty, by the swing between north and south, which has continued uninterrupted until today.

Now let us consider the special characteristics of the *chün*. First, what was its size? For a long time scholars have supposed that originally the *chün* was smaller than the *hsien*, a theory based largely on a passage in the *Tso Chuan* under the year 493, which states that "great officers (*ta fu* 大夫) of the upper rank will receive *hsien*, and great officers of the lower rank will receive *chün*." [2] If we accept the theory about the *chün* which has just

[1] See ch. 10, sect. 1, pp. 182 f. It will be remembered that Shun-yü Yüeh, whose demand for the restoration of feudalism was the pretext for the Burning of the Books, was a native of Ch'i.

[2] See Couvreur, III, 60, and *Mém. hist.*, II, 132, note 1.

been presented, however, it becomes possible to interpret this passage quite differently. The *hsien* system had by 493 become fairly well established within the different states, whereas the *chün* of that time must have been in a very embryonic stage, and could hardly have consisted of more than rude military outposts along the frontiers. It is natural, under such circumstances, that officials of higher rank would be given the positions in the *hsien* near at home, while those of lesser rank would be sent to the distant *chün* on the frontiers. Such, at least, is the interpretation of the scholar whose views I have given above,[1] and it has the advantage of not contradicting the incontrovertible fact that in later times the *chün* was a territory of large size that included many *hsien.*

Of the latter fact there can be no doubt, for from the *Shih Chi* and the *Chan Kuo Ts'e* we know that Ch'in had one *chün* containing nine *hsien*; Ch'u had one of twelve; Wei one of fifteen; and Han one of twenty-four.[2]

As to the relationship between these *chün* and the states that contained them, it seems rather certain that they were kept under fairly direct centralized control, and that the post of *chün* Administrator was appointive and not hereditary.[3] In 248, for example, when the region of Huai-pei was converted by Ch'u into a *chün,* it is expressly stated that the noble who had held it as a feudal fief was moved elsewhere and given a new fief.[4] Ch'in, too, after it captured the region of Shu in 316, first made it into a subsidiary feudal state; but then in 285, when revolt threatened, it converted

[1] See Yao Nai, *op. cit.*

[2] See respectively *Mém. hist.,* II, 85 and 101; *Shih Chi,* ch. 78, p. 2a; *Mém. hist.,* II, 69; and *Chan Kuo Ts'e* (*Ch'i Ts'e,* II, 6).

[3] Sometime about 386 B.C., to be sure, it is said that the ruler of Wei 'enfieffed' (*feng* 封) Wu Ch'i 吳起 as Administrator of Hsi-ho. See *Shih Chi,* ch. 65, p. 2a. But as already pointed out, the exact meaning of the word *feng* is sometimes uncertain. See p. 138, note 3. Also in 262 the state of Chao offered to enfief a man who was Administrator of a *chün* in Han, if he would hand over his territory to Chao. But this offer was a bribe, and forms an exceptional case. See *Mém. hist.,* V, 118.

[4] See *Shih Chi,* ch. 78, p. 2a. It is a curious fact, however, that the new region thus given him had also, according to what the *Shih Chi* says elsewhere (ch. 71, p. 1b), been a *chün* as early as 305 B.C. The explanation may be that Ch'u deliberately changed the status of this second territory when converting it into a fief, as was also once done in Ch'in. See immediately below.

it from a fief into a *chün*. [1] Again, when a follower of Lü Pu-wei was ennobled by the state of Ch'in in 239, it is especially stated that the two *chün* given to him were 'changed' (*keng* 更) in their status in order to form his feudal domain. [2] These instances indicate the sharp distinction that existed between the *chün,* which was non-hereditary and centrally administered, and the hereditary feudal domain.

This long discussion on the history of the *hsien* and *chün* has been necessary to bring out the fact that in all the large states, with the exception of Ch'i, attempts had been going on long before Ch'in Shih-huang's time to strengthen the power of the state at the expense of its feudal vassals. In none of these states were these attempts so successful, however, as they were in Ch'in, where much of their credit must be attributed to the strong centralization policy inaugurated by Shang Yang.

In 350, as we know, this man organized the small cities and towns throughout Ch'in to form a total of thirty-one *hsien,* each administered by a *ling* or Prefect. [3] At the same time he created a new aristocratic hierarchy of eighteen degrees, which had purely honorary, and not territorial or hereditary, significance. These degrees were gained, not by birth, but by military exploits, or later on (the first case is reported in 243), through purchase. [4] Afterwards, under Ch'in Shih-huang, two further ranks were added to the new hierarchy, and of the old feudal titles of Duke, Marquis, Earl, etc., only that of Marquis was retained, and this in a purely honorary capacity. When we read, therefore, of titles of nobility in Ch'in in Li Ssŭ's time, we must remember that the holders of them were divested of most of their former privileges. [5]

The institution of such a system spelled the virtual end of feudalism, and although following Shang Yang's time we still hear of lands being given to members of the Ch'in royal family, as, for example, in 286, [6] yet no record of such grants occurs after 239. The last vestiges of feudal property were destroyed in 221, when no less than 120,000 of the rich and noble families of the empire were removed from their ancestral land holdings, and compelled to live in the capital, Hsien-yang, where new palaces were built for the dispossessed feudal lords. [7]

[1] See the appen., p. 245, note 9. [2] *Mém. hist.*, II, 108.
[3] *Mém. hist.*, II, 65—66. [4] See Duyvendak, *op. cit.*, pp. 61—64.
[5] See *Mém. hist.*, II, 528—530. For examples of such titles, see above, pp. 29, 31, 48. [6] *Mém. hist.*, II, 84. [7] This fact is discussed on p. 178.

This marked the final disappearance of feudalism, and it will be remembered that when Chao Kao persuaded Hu-hai to seize the throne that rightfully belonged to his elder brother, one of the arguments he used was that "when this eldest son arrives, he will become established as Sovereign Emperor, while you will remain without a foot or inch of territory." [1]

The old feudal hierarchy had thus passed away, and a new one had arisen, based, not upon noble birth or territorial possessions, but upon individual merit or wealth. It is this fact which Li Ssŭ alludes to when he says that he "gave position to men of arms, honored meritorious officials, and enriched their ranks and revenues." The efficient and highly centralized organization of Ch'in resulting from such a policy, contrasts favorably with that of other states, where feudalism still persisted despite the partial adoption of the *hsien* and *chün* systems. This explains why even such a Confucian as Hsün Tzŭ was compelled to express praise for the officials, great prefects and the court of Ch'in, [2] and it, as much as anything else, is the reason for the Ch'in triumph over the rest of China in 221.

Neither the *chün* and *hsien* system, then, nor the abolition of feudalism, originated with Li Ssŭ. Of the thirty-six *chün* into which China was divided in 221, no less than eighteen had already existed prior to Ch'in Shih-huang's reign, six in Ch'in itself and twelve in other states; [3] while feudalism, as we have just seen, had already virtually disappeared in Ch'in by the early years of that reign. In what, then, did Li Ssŭ's contribution consist?

First of all, it lay in the realization that what had been successfully applied to a single state must be made universal if the empire was to remain unified. The greatness of this concept appears when we recall that before Li Ssŭ's time no such form of centralized authority had ever existed in China as a whole, and that to bring it to fruition he had to struggle against a belief in the sanctity of ancient institutions, the weight of which was imponderable, and which was generally held by most of the schools of thought of his time. By his determined insistence on the abolition of feudalism, [4] made in the face of opposition from his immediate superiors, Li Ssŭ shows his true greatness; and the importance of his reform is indicated by the fact that a recurring attack made upon it years later, in 213, was the direct cause leading to the Burning of the Books. By the

[1] See p. 27.
[2] See pp. 8—9.
[3] See the tabulation of the Ch'in *chün* given on pp. 245—246.
[4] See pp. 78—79.

single act of making the abolition of feudalism universal instead of regional, therefore, Li Ssŭ brought China's ancient period to a close, and laid the foundations for a modern China.

In the second place, Li Ssŭ gave to the *chün* a new significance. Originally, the *chün* had developed as a sort of protective armor-plating along the dangerous frontier regions of different states. As such, it had been possible for it and feudalism to continue side by side, since the functions of the one on the outer regions did not necessarily overlap those of the other within. But now all China was unified; there were no longer any borders, save those that surrounded China as a whole; and the *chün,* regarded merely as a plate of armor, had lost much of its significance. By Li Ssŭ, however, the *chün* was raised to new importance, by being made the primary link in a new administrative system now formed to bind together all parts of the Chinese empire. To do this, he made the former military *shou* or Administrator into a purely civil governor; put all military affairs into the hands of a new official, the *chün-wei*; and created still a third post, that of the *chien-yü-shih* or Overseer, which, by providing a check upon the other two, would strengthen the centralization of power. Into this new administrative fabric all China was woven. There was no longer any place for feudalism.

The fact that Li Ssŭ's death was soon followed by the collapse of this system; by the recrudescence of feudalism among the rebel leaders then struggling for supremacy; and that the founder of the Han dynasty, after reuniting China, formally re-established feudalism in 202 B.C., should not lead us to suppose that Li Ssŭ's efforts ended in failure. The *chün* was not abandoned by the Han dynasty, but continued under it, reduced in size from its Ch'in prototype, but increased in numbers; while the *hsien* was also retained. And though the *chün* system was no longer as thorough-going as it had been in Ch'in times, since a number of newly created feudal kingdoms now existed side by side with it, yet the Han rulers, especially after the revolt of the Seven Kings in 154 B.C., were fully alive to the dangers of an uncontrolled feudalism, and made every effort to reduce the power of their dangerous vassals.

Thus in 147 B.C., the Han government abolished a certain important office among the feudal lords, and in 145 it changed the over-presumptuous title of one of the official posts held in the feudal courts. [1] In 144, when a certain feudal king died, the imperial

[1] *Mém. hist.*, II, 504—505.

government divided his lands equally among his five sons, thus destroying the principle of primogeniture.[1] In 127, this was made the general rule among all the nobles, whose territorial holdings were thus effectively broken up.[2] The *chün* Overseers of Ch'in times were also replaced, under the Han dynasty, by officials who were somewhat similar to the *missi dominici* of Charlemagne, and who travelled throughout the empire to spy upon the feudal lords on behalf of the Emperor. In 106 B.C., this institution was formally recognized by the conferring of the official title of *pu-tz'ŭ-shih* 部刺史 or Regional Inquisitor, upon its thirteen holders.[3]

The gradual development of the Chinese examination system, beginning at about the same time, and the resulting increasing emphasis laid upon scholarly attainment rather than birth, as a means to office, led to the further weakening of the aristocratic classes. The true picture of feudalism under the ruler Wu-ti (140—87 B.C.), is shown by the fact that at that time there were but nineteen feudal kingdoms left, as against eighty-nine *chün*,[4] while even the feudal nobles who survived had been largely stripped of their powers by means of the measures outlined above.

Ever since the Han dynasty, therefore, though feudalism has sporadically reappeared, it has hardly ever gained the important position held by it for so many centuries in Europe. Under the Ch'ing dynasty (A.D. 1644—1912), for example, though titles of nobility existed, it was the rule that these should be degraded one degree for every successive generation, so that within a few generations after a man had been ennobled, his descendants would once again have fallen to the level of the common people. This is in striking contrast to Japan, which to this day remains a strongly feudalistic country, and which, when it took over the greater part of Chinese civilization in the seventh century A.D., refused, significantly, to accept the Chinese examination system.

[1] *Mém. hist.*, II, 505—506.

[2] *Ch'ien Han Shu*, ch. 6, p. 3a.

[3] *Ibid.*, ch. 6, 7b; ch. 29a, 5a. Chavannes, *Mém. hist.*, II, 531, wrongly states that there were only three of these men.

[4] See *Mém. hist.*, II, appen. 2.

CHAPTER VIII

THE UNIFICATION OF WRITING

What, exactly, does the *Shih Chi* mean when it states that Li Ssŭ "equalized . . . the written characters, and made these universal throughout the empire"? Does it signify, as one western scholar has asserted, that "he created a new, comparatively simple and practical system of writing"? [1] Unfortunately, the *Shih Chi* gives us no other information about this reform, the study of which is intimately bound up with the development of the written language in early China. For accounts of this latter there exist two main sources to which we must now turn: the section on lexicographical works in the bibliographical chapter of the *Ch'ien Han Shu,* compiled by Pan Ku (A.D. 32—92); and Hsü Shen's preface to his *Shuo-wen Chieh-tzŭ,* which is a later work than the *Ch'ien Han Shu,* having been composed about A.D. 100, and is one of the first and most important Chinese dictionaries to survive until our time.

In both these sources the account of the beginning of Chinese writing is obviously based on legendary material, and the first point at which we reach anything like firm ground is the mention in the *Ch'ien Han Shu* of a certain lexicographical work known as the *Shih Chou* 史籀, or, translated into English, the 'Historian Chou', in fifteen *p'ien* 篇 or sections. This work, so far as we know, is the first lexicographical book ever to have been written in China. Under its entry, the author of the *Ch'ien Han Shu,* Pan Ku, appends the following note: "The Great Historian of King Hsüan of Chou (827—782 B.C.) composed the *Large Seal* in fifteen *p'ien.* During the *chien-wu* period (A.D. 25—56), six *p'ien* were lost." [2]

This Large Seal (*ta chuan* 大篆) is the name of an early form of Chinese writing which, as we shall see presently, was used by

[1] Karlgren, *Analytic Dictionary of Chinese and Sino-Japanese,* p. 2.
[2] *Ch'ien Han Shu,* ch. 30, p. 3b.

Li Ssŭ as a basis when he created the Small Seal script. When Pan Ku refers to it here as an alternate title for the work called the *Shih Chou* or 'Historian Chou', which he attributes to a Great Historian of the time of King Hsüan, he obviously means that the *Shih Chou* was written in this Large Seal form of script. Let us see now what the *Ch'ien Han Shu* says of writing since this time: [1]

"The *Shih Chou P'ien* was a book used by the official historians for teaching children. Its (characters) were different in form from the Ancient Script found in the wall of the family of Confucius. [2]

"The *Ts'ang Chieh,* [3] in seven paragraphs (*chang* 章), was made by the Grand Councillor, Li Ssŭ; the *Yüan Li* 爰歷, in six paragraphs, was made by the Keeper of the Chariots, Chao Kao; the *Po Hsüeh* 博學, in seven paragraphs, was made by the Great Historian, Hu-mu Ching 胡毋敬. The characters of these were largely taken from the *Shih Chou P'ien,* but the forms of their Seal script often differed sharply. They constitute what is called the Ch'in Seal.

"It was during this time that the *Li* 隸 (clerk) style of writing was first made. It began with the official judges, who having much work, were careless (in their writing), which they made more simple and easy, and gave out to their clerks (*li* 隸).

"At the rise of the Han, the village scribes combined the three treatises of *Ts'ang Chieh, Yüan Li* and *Po Hsüeh,* and cut them up into paragraphs of sixty characters, so as to make a total of fifty-five paragraphs, the combination (of the three works) thus forming the (present) *Ts'ang Chieh P'ien.*"

This account is amplified, as well as closely corroborated, by what is said in the preface to the *Shuo-wen*:

"In the time of King Hsüan, the Great Historian Chou composed

[1] *Ch'ien Han Shu,* ch. 30, p. 4a.

[2] The Han history tells us that during the reign of Wu-ti (140—87 B.C.), when what had once been the house of Confucius was being torn down to make way for a palace building, several of the Chinese classics were found concealed in its wall. These were all written in what the Han scholars named *ku wen* 古文 or Ancient Script, in other words, archaic writing, the form of which differed from that in general use during the Han dynasty.

[3] 蒼頡, so named, no doubt, from an ancient worthy of the same name who is supposed to have held office under the legendary Yellow Emperor, and whom Chinese tradition makes the inventor of writing.

the *Large Seal* in fifteen *p'ien*. It differed somewhat from the Ancient Script. [1] When Confucius wrote the Six Classics, [2] and Tso Ch'iu-ming compiled his commentary on the *Spring and Autumn Annals*, [3] they both used the Ancient Script, and their meanings could be grasped and discussed.

"After them, however, the feudal lords ruled through might and did not rally around the (Chou) King. Disliking the harm done to themselves through the rules of etiquette and through the music, they did away with the statutes and records of these. [4] They divided to form the Seven States, within each of which different (sizes of) acre were used for the fields; different gauges for cart roads; different laws for governing; different regulations for clothing and headdress; speech was different in sound; and the written characters were different in form.

"When Ch'in Shih-huang first unified the world, his Grand Councillor, Li Ssŭ, made it uniform according to (the standards of) Ch'in, and did away with those (characters) which were not in accord with the Ch'in writing. (Li) Ssŭ made the *Ts'ang Chieh P'ien*; Chao Kao, Keeper of the Chariots, made the *Yüan Li P'ien*; and the Great Historian, Hu-mu Ching, made the *Po Hsüeh P'ien*. They all took from the *Large Seal* of the Historian Chou, but in some cases considerably simplified and modified it. This is what is called the Small Seal.

"At this time Ch'in burned and destroyed the classical writings and did away with the ancient records. It made great levies of troops and raised armies, and the duties of the official judges became very complicated. This marked the beginning of the *Li* (clerk) style of writing, (formed) in order to make (writing) more simple and easy. And it was at this time that the Ancient Script was cut short."

Combining these two accounts, we can summarize the development of writing in ancient China as follows:

[1] I. e., the style of the writings that were found in the wall of the house of Confucius.

[2] The *Book of Changes, Book of History, Book of Odes, Book of Rites, Book of Music* and *Spring and Autumn Annals*, the writing, or at least editing of which, has long been traditionally, but wrongly, attributed to Confucius.

[3] This is the famous historical work, the *Tso Chuan*, traditionally, but probably erroneously, attributed to Tso Ch'iu-ming, a disciple of Confucius.

[4] This is an echo of the complaint of Mencius, quoted below on p. 163.

(1) During the early part of the Chou dynasty, under King Hsüan (827—782), a certain Great Historian by the name of Chou composed a work in fifteen *p'ien* variously known after his name and official title, as the *Shih Chou,* or, after the name of the style of script in which it was written, as the *Large Seal.* From inscriptions found on Chou dynasty bronze vessels, we know that this Seal, or Large Seal, writing, was elaborate in form and highly pictographic, in contrast to the more conventionalized ideographs in use in China today.

(2) The Large Seal script used by the Historian Chou differed in appearance from the Ancient Script or *ku wen* 古文, which was chiefly known to the Han scholars through the discovery during the reign of Wu-ti (140—87 B.C.) of classics written in this style which had been hidden in the wall of the former house of Confucius.

(3) When Li Ssŭ (or, it may be fair to suggest, a group of scholars working under his direction), wrote the *Ts'ang Chieh*; and when Chao Kao and Hu-mu Ching respectively wrote the *Yüan Li* and the *Po Hsüeh,* they followed to a great extent the Large Seal script of the Historian Chou, but in some cases considerably simplified and modified it. In this way they produced what is variously known as the Small or the Ch'in Seal.

(4) A still further change was effected by the judges who held office during the Ch'in dynasty, who found that even Li Ssŭ's simplifications were insufficient for rapid work, and so still further simplified his Small Seal into the *Li* or clerk script. At about the same time the Ancient Script almost wholly disappeared, so that later, when it was again brought to light by the Han scholars, it was hardly comprehensible.

(5) In the early part of the Han dynasty, the *Ts'ang Chieh,* the *Yüan Li* and the *Po Hsüeh* were combined into a single work consisting of fifty-five paragraphs of sixty characters each, which would thus total 3,300 characters, and which has since been known as the *Ts'ang Chieh P'ien.*

Such is what we learn from the traditional accounts. Unfortunately, there are several considerations which throw what they say under suspicion: (1) No mention of Li Ssŭ's making of the *Ts'ang Chieh* is to be found before the time of the *Ch'ien Han Shu* and the *Shuo-wen,* not even in his biography in the *Shih Chi,* where we would most expect to find it. (2) The same may be said of Chao Kao's *Yüan Li* and Hu-mu Ching's *Po Hsüeh.* The latter person, in fact,

is unknown in history before his mention in the *Ch'ien Han Shu.* (3) Both the *Ch'ien Han Shu* and the *Shuo-wen* were compiled about three centuries after the death of Li Ssŭ. On the basis of the foregoing objections, it is not impossible that these accounts are founded on unreliable tradition. Unfortunately, neither the *Ts'ang Chieh* nor the other works here mentioned can give us much information, since none of them has come down to us in its original form. This point will be discussed in detail below.

None of these objections, of course, is insuperable, but at least it is well to hold them in mind. Should we put them aside, other important considerations still remain, some of which have been puzzling Chinese scholars for almost two thousand years. Several of these, however, are now well on their way to solution, owing to the researches of a number of modern Chinese scholars, among whom one of the most brilliant was the late Wang Kuo-wei (1877—1927).

The first of these problems centers around the identity of the Historian Chou, and his connection with the Large Seal Script. Because there is no mention of him before the *Ch'ien Han Shu,* and for other reasons as well, Wang Kuo-wei comes to the conclusion that the title, *Shih Chou,* does not refer to a person at all. As he points out, the word *chou* 籀, which has usually been accepted as the name of a person, also means 'to read', and so in combination with the word *shih* 史, which may mean either 'history' or 'historian', can be interpreted as signifying 'history readings', or 'readings in the histories'. Wang believes that originally the *Shih Chou* gained its name from the fact that its text began with these two words (many Chou dynasty writings are named in this way from their opening words), whereas by the Han dynasty scholars this title was wrongly interpreted as referring to the name of the author. [1]

But then, how did the *Shih Chou* or *Shih Chou P'ien* come to be associated with the reign of King Hsüan of Chou, and what is the exact relationship between the Large Seal script which it uses and the Ancient Script spoken of by the Han scholars? Again, what is the relationship between these and Li Ssŭ's Small Seal style? Wang Kuo-wei offers the following interesting theory to solve these problems: [2]

[1] See Wang Kuo-wei, *Shih Chou P'ien Su-cheng.*

[2] See Wang Kuo-wei, *Han-tai Ku-wen K'ao* (An Examination of the *Ku-wen* of the Han Dynasty).

The Large Seal was the standard form of writing used in the domain of the Chou dynasty when its capital was still in western China near what is now Sian, Shensi. In other words, it was the form of writing generally used in western China under the Western Chou dynasty, and in appearance it probably did not differ greatly from the earlier script found on the divination bones of the Yin or Shang dynasty (1776?—1123? B.C.). In 771 B.C., however, a sudden raid by barbarian tribes forced the Chou court to flee eastward, and to found a new capital at what is now Loyang, Honan, thus inaugurating what is often referred to as the Eastern Chou dynasty. From this time onward the Chou rulers rapidly lost all power, and became mere puppets of the contending nobles.

Now King Hsüan, who, as will be remembered, reigned from 827 to 782, was the last great ruler before this move to the east took place. Therefore, Wang Kuo-wei suggests, it was natural, since the *Shih Chou P'ien* contained the Large Seal form of writing in use under the Western Chou dynasty, for Han scholars to make it contemporary with the last great ruler of that period, King Hsüan.

But what happened to this Large Seal script after the Chou court moved eastward? Wang Kuo-wei believes that it continued to be used in western China, but that the Chou rulers, now become weak, were unable to make it the standard form of writing for the feudal states of eastern China. Yet it was precisely during the following centuries that China's great philosophical activity took place, an activity centered to a considerable degree in the feudal states of east China. With the rise of this philosophic movement, writing no longer remained the prerogative of a few court literati, but became open to a wide variety of men scattered among many different states. These men, writing in several different dialects, brought the script into a state of confusion; a confusion helped by the increasingly homophonous nature of the Chinese language, which made it possible for one word to be easily mistaken for another. As a result, no one form of script remained standard, and wide variations sprang up in different states.

Since Confucius was one of the philosophers living in the eastern feudal states, in what is now Shantung, it is natural that the classics reputedly found in the wall of his house, when it was demolished in the Han dynasty, should be written in the corrupted script of eastern China. What the Han scholars termed the Ancient Script or *ku wen,* therefore, was not, strictly speaking, a standard style at all. It was

simply a general term for the variant forms of script that evolved in east China, as distinct from the standard and earlier Seal writing of the west. Thus in this, as in the development of the *chün* and *hsien* systems which was studied in the preceding chapter, we find a sharp distinction existing between east and west China.

But why did the Han scholars call this the Ancient Script, when actually it evolved out of, and was later than, the Seal style? It is here that Ch'in and Li Ssŭ enter into the story. When the Chou dynasty was still located in the west, Ch'in was only a small principality, in what is now Kansu. But during the following centuries it gradually expanded eastward, and in 350 B.C., at the same time when so many other startling innovations were being made by its great reformer, Shang Yang, it built for itself a new capital, Hsien-yang, located almost on the same site as that formerly occupied by the Western Chou capital. The result must have been that many of the Western Chou traditions filtered into the state of Ch'in, and among them, so Wang Kuo-wei maintains, the Seal script. The state of Ch'in, therefore, though in many respects uncultured, fell heir in this way to the Seal form of writing of the early Chou dynasty, as handed down through the ages in western China.

Such a theory gives a justifiable explanation of why both the *Ch'ien Han Shu* and the *Shuo-wen,* when speaking of the reforms of Li Ssŭ and his associates, say that they followed closely the Seal script, only in some cases modifying and simplifying it. The style of writing that resulted was designated sometimes as the Ch'in Seal and sometimes as the Small Seal, to distinguish it from the earlier Seal or Large Seal, from which it was descended.

Wang Kuo-wei suggests still further that the Burning of the Books was primarily directed against works written in the corrupt Ancient Script, and was one of the methods used by Li Ssŭ to make the Small Seal standard throughout China. If so, the book burning seems to have achieved its purpose, for when only a little more than a century later the Han scholars came in contact with books written in the Ancient Script, they could hardly decipher them. It was because of this unintelligibility that the Han scholars called this kind of writing the Ancient Script, quite ignorant of the fact that actually it had evolved much later than the Seal script, of which it was but a corrupt variant.

If we accept the foregoing theory, it is evident that Li Ssŭ could not have created a completely 'new' form of writing. Rather he

followed fairly closely what he considered to be the most standard form of writing, the Large Seal, only modifying and simplifying it, and at the same time making its use throughout China general. As Karlgren has shown, his reform did not introduce any new principles into the Chinese written language, but was only one of mechanical simplification. In his own words: "The characters which we find in the *Shuo-wen* are therefore, in principle and composition, those that were in regular use when the Chou culture flourished; only their technical execution was abbreviated and simplified and normalized through the *hsiao chuan* [Small Seal] reform of Li Ssŭ's." [1]

This judgment is confirmed by one of the most outstanding modern Chinese scholars in the field of epigraphy, Lo Chen-yü, who says: "That Li Ssŭ standardized characters means only that he suppressed current variant forms of characters not in conformity with those of the state of Ch'in, and nothing more. But of those characters which had been handed down through the centuries from the Shang and Chou dynasties, and which were still in use in his time, I have never understood that he abolished any." [2]

Dr. Creel, too, who sometimes differs from Karlgren on other points, agrees that Li Ssŭ's unification of the script was of a purely mechanical kind, which did not introduce any new principles into the formation of the Chinese characters. Writing of Li Ssŭ's reform, he says: "Such abbreviation of characters and alterations in their form were already being made during the time of the [Shang] bone inscriptions, and are in constant evidence in inscriptions on bronzes ... This, then, was merely to follow in the long established line of the natural evolution of the Chinese script." [3]

We are still faced, however, with the problem of the connection between Li Ssŭ's Small Seal, which was a simplification of the Large Seal, and the *Li* script, which, according to the accounts, was a still further simplification of the Small Seal. Concerning this, there is an important sentence in the preface to the *Shuo-wen,* in a passage listing the different kinds of writing, which states: "What is called the Seal script is the same as the Small Seal, to make which, Ch'in Shih-huang-ti employed a man of Hsia-tu, named

[1] Karlgren, 'On the Script of the Chou dynasty', in *The Museum of Far Eastern Antiquities,* Bulletin no. 8 (1936), p. 177.

[2] Quoted in the interesting article of H. G. Creel, 'On the Nature of Chinese Ideography', *T'oung Pao,* vol. 32, p. 143.

[3] Creel, *op. cit.,* p. 143.

Ch'eng Mao 程邈." [1] Now this statement runs directly counter to that of the *Shuo-wen* already quoted, where it is clearly indicated that the Small Seal was the creation of Li Ssŭ and his two associates, Chao Kao and Hu-mu Ching. For this reason Tuan Yü-ts'ai (1735—1815), the greatest Ch'ing dynasty authority on the *Shuo-wen,* maintains that the statement here made about Ch'eng Mao has become displaced from its original position in the text, and should really follow the succeeding sentence in the *Shuo-wen,* in which the *Li* script is discussed. This theory, if correct, would make Ch'eng Mao the creator of the *Li* script, and not of the Small Seal. [2]

But who, in fact, was this Ch'eng Mao? Nothing whatever is mentioned of him before the *Shuo-wen*'s account, though later tradition says that he was in prison when he made his invention, and that by presenting it to Chin Shih-huang he not only gained his freedom, but official position as well. As one Chinese scholar, Chiang Shan-kuo, points out, however, the existence or non-existence of Ch'eng Mao is really of no importance, since there is evidence that in any case the *Li* script was known long before his time, traces of it having been found as far back as the Western Chou dynasty. According to this scholar, the *Li* writing was merely a simplification of the more cumbrous Seal form, and had existed and evolved side by side with it through the centuries. It was the formulation of the standardized and simplified Small Seal in the Ch'in dynasty, however, coupled with the disappearance of the Ancient Script, that gave a chance for the *Li* writing to become firmly established at this time, and so gave rise to the story that its invention was the work of one man. [3]

During the Ch'in dynasty, says this scholar, the Small Seal was generally used for all inscriptions and formal occasions, whereas the *Li* form was a simplification and abbreviation that was probably allowed only in every-day life. During the Han dynasty, however, the *Li* script became more and more prevalent, at the expense of the Seal, so that one of the main reasons why Hsü Shen compiled his *Shuo-wen,* which is based on the Small Seal, was, as he himself complains in his preface, that scholars of his time could no

[1] Hsia-tu was a place south of the present Ch'ang-an 長安 hsien in Shensi, so that it was not far from the Ch'in capital.

[2] See Li Ch'eng-ch'üan, *Shuo-wen Chieh-tzŭ Hsü Chiang-su,* pp. 113—114.

[3] Chiang Shan-kuo, *Chung-kuo Wen-tzŭ chih Yüan-shih chi ch'i Kou-tsao* (The Origin and Formation of Chinese Writing), pp. 60—62.

longer correctly interpret the old writing. The many mistakes which even Hsü Shen makes in his interpretations, in fact, show to what an extent the understanding of the Seal writing had been lost by A.D. 100.

The significance of this *Li* writing lies in the fact that it forms the link between the Seal writing, universal in China until the Han dynasty, whether in Large, Small, or its corrupt Ancient Text variant, and the writing current in China today. Already in the Ch'in dynasty the *Li* began to become prominent, and by the end of the Han we find it imperceptibly merging into the form of script which is known today as Chinese writing.

The difference between the Seal and the *Li* is that the former is elaborate and highly pictographic, and that it contains many curving lines which are narrow and equidistant in width, showing its derivation from a technique of scratching or incision. Some of these characteristics can be seen in the frontispiece of the present book, which reproduces a stone inscription written in the Small Seal, and which is generally attributed to Li Ssŭ.

The *Li* style, on the contrary, is a conventionalization and simplification of the Seal form, and hence is much less obviously pictographic than the latter. Most of its lines tend to be straight rather than curved, while at the same time they flow and differ in width. Thus they reveal the technique of the Chinese writing brush, which came into general use by the time of the Han dynasty, and which made possible all those nuances in line that give Chinese calligraphy the right to be called a great art.

The scholar to whom I have already referred gives a few examples to illustrate these differences. Among them are the Seal character ⊙, an obvious pictograph of the word 'sun', which in the writing of today becomes conventionalized into 日. Again 𠂤, meaning ox, is clearly a representation of an ox head surmounted by protruding horns. This Seal form has since been conventionalized into 牛.[1]

Having dealt with the development of writing in China at some length, perhaps we should now summarize what we have found as follows: (1) The Seal, or, to distinguish it from the Small Seal, the Large Seal, was a highly pictographic script derived from the earlier script of the Shang or Yin bone inscriptions. It was originally used under the Western Chou dynasty, and later continued to be

[1] See Chiang Shan-kuo, *op. cit.*

employed in western China. The little work, *Shih Chou P'ien,* which is now lost, was written in this script. (2) After the Chou dynasty moved its capital from the west to the east in 771 B.C., and went into decay, a new form of script, full of corruptions and variants, evolved out of the Seal form among the feudal states in eastern China. This was mistakenly termed the Ancient Script by the Han scholars, because by their time it could only be deciphered with difficulty. (3) The state of Ch'in, expanding ever eastward, in 350 B.C. established its capital almost on the site of the ancient Western Chou capital, near present Sian, and thus inherited the Seal script. When Ch'in unified China in 221, Li Ssŭ simplified the Seal script into the Small Seal, and made its use universal. This process was probably only a mechanical simplification, and did not introduce any radically new structural features into the formation of the Chinese script. It is possible that one of the ways in which he made the new Small Seal universal was by ordering the Burning of the Books to be directed especially against those works that were written in the Ancient Script. (4) The *Li* script had long existed side by side with the Seal as a simpler form, but became important only in Ch'in times, as a still further simplification of the Small Seal. By the end of the Han dynasty it had evolved into very much the kind of Chinese writing we know today.

We should now return to Li Ssŭ and his two co-workers, and follow the fate of their little treatises which, in Han times, were combined to form the *Ts'ang Chieh P'ien.* The *Ch'ien Han Shu* gives an account as follows: [1]

"In the time of Wu-ti (140—87 B.C.), Ssŭ-ma Hsiang-ju 司馬相如 composed the *Fan Chiang P'ien* 凡將篇, containing no duplicating characters. In the time of Yüan-ti (48—33 B.C.), Shih Yu 史游, a eunuch of the Imperial Palace, composed the *Chi Chiu P'ien* 急就篇. In the time of Cheng-ti (32—7 B.C.), the official in charge of palace constructions, Li Ch'ang 李長, (composed) the *Yüan Shang P'ien* 元尙篇. These all contained the proper characters found in the *Ts'ang Chieh,* but the *Fan Chiang* also had a great many which were not in this.

"During the *yüan-shih* period (A.D. 1—5), those in the empire who were versed in philology, to the number of one hundred odd

[1] Ch. 30, p. 4a.

men, were summoned to the palace, and were commanded each to make a list of characters. From these, Yang Hsiung 楊雄 took those which were of use, and in this way composed the *Hsün Tsuan P'ien* 訓纂篇. This followed the *Ts'ang Chieh,* but also changed the duplicating characters in the *Ts'ang Chieh.* It amounted to a total of eighty-nine paragraphs, and your servant, following Yang Hsiung, composed thirteen paragraphs.[1] Thus there was a grand total of one hundred and three paragraphs, having no duplicating characters, and containing practically all (the words) to be found in the Six Disciplines[2] and the various writings.

"The *Ts'ang Chieh* contained many ancient characters, the reading of which had been lost by the ordinary teachers. In the time of Hsüan-ti (73—49 B.C.), Chang Ch'ang 張敞, a man of Ch'i who was capable of reading them, was summoned. He received them and transmitted them to his grandson on his daughter's side, Tu Lin 杜林, who composed the *Hsün Ku* 訓故 (as a commentary)."

This account is confirmed in the preface to the *Shuo-wen,* one of the purposes of which was to record the Small Seal forms in order to put an end to the confusion in the understanding of the old writing, and which, by making use of the works listed above, ultimately goes back to the *Ts'ang Chieh P'ien* for its materials.

The *Ts'ang Chieh P'ien* itself, unfortunately, no longer exists in its original form. From the bibliographical chapter in the history of the Sui dynasty (A.D. 590—617), we learn that a certain *Ts'ang Chieh,* in two *chüan,* with a commentary by Tu Lin (undoubtedly the same as the *Hsün Ku* mentioned in the quotation just given), was still in existence during the Liang dynasty (A.D. 502—556), but was since lost.[3]

Is it then impossible to know what the *Ts'ang Chieh P'ien* was like? Not entirely, for parts of it, as a matter of fact, have already been recovered from other sources and put together by Jen Ch'ao-lin, a scholar of the latter half of the eighteenth century. Unfortunately, this compilation gives us only a series of words, with no possibility of determining what was their original order.[4]

[1] The word *ch'en* 臣, translated as 'your servant', is supposed to be a reference by Pan Ku, the compiler of the *Ch'ien Han Shu,* to himself.

[2] I.e., Six Classics. See p. 149, note 2.

[3] See *Sui Shu,* ch. 32, p. 9a.

[4] See his *Yu Chu Chü Chi,* vol. 8, *chüan* 16.

The *Chi Chiu P'ien*, however, which of all the works mentioned in the quotation above, is the only one to survive until our time more or less in its original state, can give us a fairly accurate idea of what the other works in its class were like, including the *Ts'ang Chieh P'ien*. This little book, which in its present form amounts to about 1,350 words, consists simply of a series of words, arranged in groups of three, four, or seven characters each. The final words in the various groups rhyme with one another, and words within a group are more or less related in meaning. There is no attempt, however, to make definitions of the words thus listed, as would be the case in a true dictionary. They are simply given so that people might know the correct way of writing them.

There is little doubt that the *Ts'ang Chieh P'ien* was similar to this, inasmuch as it simply presented in the correct Small Seal forms a list of words in common use at the time. This assumption that it was only a word list and not a true dictionary, would account for the small size of the *Ts'ang Chieh P'ien,* which, as we have seen, amounted to only 3,300 words. [1]

Strong argument for this theory is afforded by the discovery in recent times of four strips of bamboo dating from the Han dynasty. These bear on their face a total of forty-one characters written in *Li* script (bamboo or wood was the common writing material in China before the use of silk material and the invention of paper), and have been found in the Great Wall, at different points in Kansu, all northwest of the famous archæological site, Tun-huang. On these bamboo strips, which are believed by Wang Kuo-wei to contain a *Li* script recension of the now lost *Ts'ang Chieh P'ien,* the characters are arranged in groups of four, the alternate groups rhyming with each other. As will be remembered, the *Ts'ang Chieh P'ien* as it existed in the Han dynasty, was a work consisting of fifty-five paragraphs of sixty words each, so that each pargraph, if Wang Kuo-wei is correct, would contain fifteen groups of four words each. [2]

The fact that the *Ts'ang Chieh P'ien* was only a list of correct word forms and not a true dictionary, should not blind us to Li Ssŭ's true achievement. Before his time there is little doubt that a wide and confusing variety of word forms existed, and the labors of Chinese critics on the ancient texts reveal how often at that time

[1] See p. 150.

[2] See Wang Kuo-wei, *Ts'ang Chieh P'ien Ts'an-chieh K'ao-i,* where the inscriptions on the four bamboos are reproduced as follows: (*see over*).

one and the same word could be written in a number of different ways. What Li Ssŭ did to end this condition may be summarized under three points: (1) He simplified the cumbrous Seal forms current before his time. (2) He standardized variant forms into one coherent system. (3) He made this system universal throughout China.

Had these reforms not been carried out, it is fairly safe to say that the formation of the even more simplified and practical *Li* script could hardly have been made without still further increasing the already existing confusion. Nor could the *Shuo-wen,* which has been the basis for all later Chinese dictionaries, have been compiled. This does not mean that the Chinese written language has remained fixed and unchanging since Li Ssŭ's day. Many characters found in the *Shuo Wen* are now obsolete, and many others have since been added. It does mean, however, that taking the Chinese written language as a whole, such changes have been comparatively slight, so slight indeed that most of the single characters used in the written language of today would be intelligible to an educated Chinese of the Han dynasty, and *vice versa.*

Of all Li Ssŭ's reforms, therefore, not even excepting his political ones, the standardization of the Chinese written language has probably been the most important. There have been many periods since

(1) Twenty characters: 汝敖周章(A)、黔黥黯黜(B)、黝黓黝黝(A)、黭黮赫赧(B)、儵夫白黃(A).
The alternating rhymes are here A with A, B with B.

(2) Eight characters, with the remaining part of the inscription missing, and only the left half of the first character preserved: 走走病狂(A), 疵疕疢疾(A).
The rhyme is here A with A.

(3) Four characters, the remainder missing: 貍獌鼠卯穀.

(4) Nine characters, with the preceding portion of the inscription missing: 寸(A)薄厚(B)廣俠(A)好醜(B)長短.
By chance, rhymes occur both between A and A, and B and B, so that it cannot be known how the word groups in this inscription were originally arranged.

the Han dynasty when China has suffered political disunity, but never has there been a time when she has lost her cultural continuity, a fact which explains why, of all the great civilizations of antiquity, hers is the only one to survive today. And to the continuity and universality of her written language, inherent in its beginnings, but first put on a firm basis by Li Ssŭ, this can probably be attributed, more than to any other single factor.

CHAPTER IX

OTHER MEASURES OF LI SSŬ

1. THE BURNING OF THE BOOKS

More spectacular than the abolition of feudalism or the unification of writing, though of less lasting significance, was the Burning of the Books of 213, an act for which Li Ssŭ has ever since been pilloried as the destroyer of ancient Chinese culture. Ssŭ-ma Ch'ien, in the fifteenth chapter of his *Shih Chi,* is one of the first to bewail the loss: [1]

"After Ch'in had attained its aim, it burned the copies of the *Shih* and *Shu* of the entire empire, and to an even greater extent the histories of the feudal lords, because these furnished means of criticizing (its own government). The reason why the *Shih* and *Shu* have reappeared, is that many copies were preserved in private people's homes. The historical records (of the feudal states), on the contrary, had been preserved solely in the House of Chou, and therefore have been destroyed. How regrettable! How regrettable!

"Only the records of Ch'in remain, and these do not record the days and months, and are brief and incomplete. As a matter of fact there are also (texts) relating to the forces and changes of the Warring States that may be gathered, but how can there be any for early antiquity?" [2]

The destruction of Chinese literature, however, was not a complete innovation with Li Ssŭ, for before his time, sporadic attempts to wipe out the ancient records had already been made by the feudal lords. This fact is attested to by Mencius, who when

[1] *Mém. hist.,* III, i, 26—27.

[2] Chavannes translates the last clause a little differently: "mais comment serait-on sûr qu'ils remontent à une haute antiquité?"

asked for the details of the Chou feudal system, replied: "Their particulars cannot be learned, for the feudal lords, disliking their injuriousness to themselves, have all done away with the records of them." [1] Shang Yang, too, according to Han Fei Tzŭ, "taught Duke Hsiao of Ch'in . . . to burn the *Shih* and the *Shu*." [2] In the Burning of the Books, then, as in the abolition of feudalism, Li Ssŭ simply carried out on a large scale what had already been practised sporadically.

The loss caused by the Burning of the Books, as a matter of fact, was less than later scholars have usually supposed. In the first place, though the proscription of litterature was not formally annulled until 191 B.C., the edict could not have been effective longer than the collapse of the Ch'in government. Certainly there could have been no opportunity for carrying it out during the years of warfare that followed, and even after the reuniting of China, it is doubtful whether the founder of the Han dynasty, though not himself very partial to the literati, would have taken much time from his many other problems to enforce the edict of a dynasty he had overthrown. It is fairly safe to say, therefore, that the order for the destruction of literature could not have remained in active operation for much longer than the five year period extending from its promulgation in 213 to Li Ssŭ's downfall in 208, when the Ch'in empire was already tottering.

Secondly, the damage done to ancient literature by the book burning was probably less than that which occurred when the imperial palaces at Hsien-yang were captured and burned by the rebels in 206, on which occasion, so the *Shih Chi* informs us, the flames of the conflagration lasted for three months before being extinguished.[3] It is only fair to point out, however, that the very fact that books in the Ch'in imperial archives were the chief ones exempted from the proscription of literature, made the destruction of these archives by the rebels particularly disastrous to litérature.

Thirdly, the destruction was not truly universal. The blending in Ch'in of superstition with intense practicality is revealed in the

[1] *Mencius*, V*b*, 2.

[2] See *Han-fei-tzŭ*, ch. 13 (*chüan* 4, p. 21). The authenticity of this chapter, however, is doubtful.

[3] *Mém. hist.*, II, 283. This must, of course, be an exaggeration. Perhaps 月 (month) is a mistake for 日 (day).

sparing of books on medicine and pharmacy, divination by the tortoise and milfoil, and on agriculture and arboriculture. Besides these, the Ch'in historical records were also spared, and finally, all works in the possession of the office of the 'scholars of wide learning' were exempted.

It is evident, then, that Li Ssŭ did not wish, as is so often stated, to sweep away completely all the literature of the past. Rather, by keeping it in the official archives where it would be in charge of the 'scholars of wide learning', he wished to make of it a government monopoly. In so doing he was actuated by the fear that if the ancient writings were allowed to be indiscriminately disseminated, people would, as he says, by means of them "use the past to criticize the present," whereupon the principle of central authoritarianism would fall to the ground.

There were three classes of literature against which the Burning of the Books was particularly directed: first, the collections of poetry and of historical speeches, etc., known respectively as the *Shih* and *Shu*; secondly, histories of other states besides Ch'in; and thirdly, the 'discussions of the various philosophers'. The *Shih* and *Shu,* which during the Han dynasty became known as the *Shih Ching* (Book of Odes) and *Shu Ching* (Book of History), and which have since formed the cornerstone of the Chinese classics, were considered especially objectionable. This was because they were constantly being invoked by the Confucians as mirrors for an ancient golden age of universal peace and prosperity, under Sage-kings who ruled, not by force, but by virtue, and whose government, incidentally, was founded on feudalism.

The histories of the other feudal states were likewise proscribed by the Ch'in government, since it wished all past history to be known according to the Ch'in interpretation. The writings of the various philosophic schools, too, because their authors did no materially productive work, but were always arguing with one another and proposing their own precepts for life and government (invariably opposed to the existing system), were felt to be a distinct danger to the unity of the state.

The fact that there was a strong Confucian school to hand down the texts of the *Shih Ching* and *Shu Ching,* sometimes even by word of mouth, prevented these works from being destroyed by the fires of Ch'in and made their reconstruction possible during the great recovery of books instituted under the Han dynasty. The editing,

compilation and even falsification of texts made by the Han scholars during this recovery, however, have given rise to scholarly controversies in China lasting down to the present time.

Probably the state histories and the writings of the Chou philosophic schools suffered more severely. The state histories, unfortunately, were not widely scattered among the people, but were mostly concentrated, as Ssŭ-ma Ch'ien states, in the Chou archives, where they could be easily seized by the new dynasty; while the Chou philosophic writings were often the product of minor schools that had only a brief existence. Hence, unlike the writings of the Confucians, they had no strong line of descent, so that many of them were completely destroyed by the book burning.

Even so, however, a surprising number of these philosophical writings did succeed in surviving the fires of Ch'in and finding their way into the Han imperial library, as is indicated by the catalogue of imperial books which now forms the thirtieth chapter of the *Ch'ien Han Shu*. Of the six hundred and seventy-seven works listed in this earliest extant Chinese bibliography (which, however, also contains Han writings of as late as the first century A.D., as well as Chou works), it is estimated that but forty-seven have been preserved almost in their entirety until the present time; forty-one have been preserved in incomplete form; and sixty-five have been re-collected from other sources. The rest have been entirely lost.[1] That is to say, of the six hundred and seventy-seven works that existed in the Han imperial library, no less than five hundred and twenty-four, or about 77%, are no longer in existence at the present day.

From this fact it is fairly safe to conclude that of the ancient Chinese works dating from the first century A.D. or earlier, a far greater number has been gradually lost during the many centuries since the Han dynasty, and especially during the long period before printing was invented, than could possibly have been destroyed prior to the Han dynasty by the Burning of the Books. Even if no such catastrophe had ever occurred, therefore, the number of works coming down to us today from the Chou dynasty would probably not be so very much greater than it is at present. Indeed, the greatest harm caused by the Burning of the Books, probably did not

[1] See Ssŭ-yü Teng and Knight Biggerstaff, *An Annotated Bibliography of Selected Chinese Reference Works*, p. 8.

consist in the destruction itself, but in the excuse it gave to the Han scholars, as already stated, to rearrange and even to falsify the ancient texts.

One other very important effect, however, which the Burning of the Books has had, is that far from blotting out antiquity, as Li Ssŭ had intended, it has made the Chinese inordinately conscious and interested in their past. The very fact that literature had been destroyed, made the Han scholars bend every effort toward the recovery of this literature. The result has been the development of what may almost be called a cult of books in China, and a tremendous reinforcement of the interest, already strong, of the historically minded Chinese in their historical records. The peculiar problems surrounding the recovery and editing of this literature by the Han scholars, moreover, have continued to engage the attention of Chinese scholars down to the present day, so that the net result of the Burning of the Books has been to strengthen immeasurably the backward- rather than forward-looking psychology of the Chinese people. Thus did Li Ssŭ's aim defeat itself!

2. LEGAL AND ECONOMIC MEASURES

In his appeal to Erh-shih for clemency, Li Ssŭ states among other things that "he relaxed the punishments and reduced the collection of taxes." Unfortunately, we know very little of what was done under Ch'in Shih-huang to the existing legal and economic systems, which in their main features seem to go back to the measures first formulated by Shang Yang about 350 B.C. Let us begin by examining the Ch'in legal system.

Shang Yang's reforms of the law seem to have embodied two main principles:

(1) That of mutual responsibility. The common people were organized into groups of five or ten men who were mutually responsible for each other, and who were obliged to denounce each other's crimes. A person who failed to make such a denunciation was considered before the law as being equally guilty with the criminal himself.[1] Relatives, too, were held to be responsible for a crime committed by one of their members, and were punished accordingly.

[1] See p. 35 and note 1, and Duyvendak, *op. cit.*, p. 58.

We have seen how Li Ssŭ himself was a victim of this principle, so that his own death was accompanied by the execution of his kindred to the third degree.

(2) Shang Yang's second principle was to make the law so severe, even for petty crimes, that no one would dare to violate it. In this way, as he hoped, there would come a time when punishments would no longer be used, because no one would dare to incur them. We have already seen how, in accordance with this principle, even persons who scattered ashes in the street suffered corporal punishment. [1]

Both of these principles are confirmed by what the *Ch'ien Han Shu* states in its chapter on law: [2]

"Ch'in used Shang Yang's laws of mutual responsibility, and created (under him) the execution of kindred to the third degree. In addition to bodily mutilation and capital punishment, there were the punishments of branding on top of the head, extracting ribs, and boiling in a cauldron."

Apparently the harshness of these laws was left unchanged under Ch'in Shih-huang, for the account continues:

"Having united the Warring States, Ch'in Shih-huang abolished the laws of the early kings. He did away with officials (who governed according to) etiquette and propriety, and placed exclusive reliance upon corporal punishments . . . Thereupon villainies and depravities sprang up together; persons clothed in red filled the streets; [3] and the prisons became the market-places. There was sadness and dissatisfaction in the empire, which became disordered and fell into rebellion."

In reading accounts given in the *Ch'ien Han Shu* of the Ch'in régime, we must constantly remember that they were written under the dynasty which had overthrown the Ch'in, and, moreover, during a time when Confucianism, which was opposed in almost every respect to the Ch'in Legalist philosophy, had become orthodox. Therefore when we encounter descriptions of the terrible cruelties existing under Ch'in, we may suppose that there is a certain amount of exaggeration. Even allowing for such exaggeration, however, there is little doubt that the laws of Ch'in were particularly strict and harsh, for strictness and harshness were the avowed policy of

[1] See p. 40.
[2] Ch. 23, p. 3b.
[3] Red was the color worn by the condemned convict.

Shang Yang, Han Fei Tzŭ, and all of the other Legalists who influenced the Ch'in goverment.

This point is proved by a list of the forms of punishment in use in Ch'in (as mentioned in the *Shih Chi* and in the passage from the *Ch'ien Han Shu* just quoted), that has been compiled by a modern historian.[1] Among these punishments he lists the following: flogging (*pang lüeh* 榜掠); three years of forced service in providing wood for burning in the ancestral temple (*kuei hsin* 鬼薪); branding and being sent to do forced labor (*ch'ing wei ch'eng tan* 黥爲城旦); deportation to distant territories (*tse* 謫); confiscation of all property (*chi mo* 籍沒), (i. e., reduction to the position of a virtual slave); family and group responsibility for crimes (*lien tso* 連坐); execution and exposure of the corpse in the market-place (*ch'i shih* 棄市); beheading (*lu* 戮); cutting in two at the waist (*yao chan* 腰斬); being torn apart by chariots (*ch'e lieh* 車裂); burying alive (*k'eng* 阬); death by being torn limb from limb (*chih* 磔); branding on top of the head (*tso tien* 鑿顚); extracting ribs (*ch'ou hsieh* 抽脅); boiling in a cauldron (*huo p'eng* 鑊烹); decapitation, followed by the suspension of the decapitated head from the top of a pole (*hsiao shou* 梟首); the five punishments (*wu hsing* 五刑), (consisting of branding of the forehead, cutting off of the nose, the feet, and death by flogging, followed by exposure of the head and corpse in the market-place); and extermination of one's family to the third degree (*i san tsu* 夷三族), (i. e., of parents, brothers, and wife and children).

It is only fair to point out that not all of these punishments originated in or were confined to Ch'in. Tearing apart by chariots is mentioned by the *Tso Chuan,* in the state of Ch'i, as early as the year 694 B.C.; while boiling in a cauldron is also mentioned in Ch'i about the middle of the fourth century B.C.[2] In no state outside of Ch'in, however, do we find such a terrible variety of punishments mentioned, instances of all of which, with the exception of branding on top of the head and extracting ribs,

[1] See Teng Chih-ch'eng, *Chung-hua Erh-ch'ien Nien Shih* (Two Thousand Years of Chinese History), I, 23—24.

[2] See *Tso Chuan* (Couvreur's translation, I, 127), and *Mém. hist.,* V, 243.

can be found occurring during Ch'in Shih-huang's own reign. [1]

There is no concrete evidence, beyond his own words, to show that Li Ssŭ ever reduced these punishments. Indeed, if anything, he wished to make the laws more severe, so that in the course of his long memorial to Erh-shih on the importance of supervising and holding responsible, we find him saying: "If you make definite the severe punishments, then the empire will not dare to transgress (the laws)." [2] Under these circumstances his later statement that "he relaxed the punishments" may be safely discounted as a rhetorical falsehood.

What Li Ssŭ really did with the laws, as with other Ch'in institutions, was to unify what already existed into one coherent system and make this universally applicable throughout the empire. The importance of this act is evidenced by the fact that in the stone tablet inscriptions erected by Ch'in Shih-huang in various parts of the empire, following the unification of China, the statement that appears most frequently and emphatically is one to the effect that the laws have at last been 'fixed' and made clear, and are obeyed by all people. [3]

After the collapse of the Ch'in empire, these laws underwent great change and moderation. The first alteration came in 207, when the founder of the Han dynasty reduced them to three simple articles: (1) capital punishment for murder; (2) punishment for the wounding of a man, or for robbery, to be given according to the crime; (3) all the other Ch'in laws to be suppressed. [4] In 179 B.C., the law stating that relatives and friends of a criminal were to be punished together with him for the crime committed, was abrogated,[5] and again, in 167, punishment by corporal mutilation was abolished.[6]

Though the laws were thus humanized, the influence of Ch'in did not completely disappear. The three articles made by the Han dynasty founder were of a provisional nature, and we later read that because of their insufficiency, Hsiao Ho, an important collaborator of the first Han ruler, "brought together the Ch'in laws, took those which were appropriate for his time, and made a code of nine

[1] For cases during Ch'in Shih-huang's reign of tearing apart by chariots and boiling in a cauldron (the instances of which as given by Teng, *op. cit.*, are for periods before his reign), see *Mém. hist.*, II, 111 and 158.

[2] See p. 41.

[3] See *Mém. hist.*, II, 140, 145, 146, 148, 151, 158, 160, 186.

[4] *Ibid.*, p. 353.

[5] *Ibid.*, pp. 454—455.

[6] *Ibid.*, p. 476.

articles." [1] It was from this code of nine articles that the later Han code of sixty sections was evolved, and this to some extent has been the basis for the law codes of all later dynasties. [2] Thus the laws of Ch'in have had a certain influence upon the later development of Chinese laws, though the tremendous importance given to law in the West, where it is looked upon as the ultimate arbiter of all human relationships (a doctrine also enunciated by the Legalists), has never since Ch'in times been revived in China.

Turning now to the economic regulations of Ch'in, we find that these too, for the most part, go back to Shang Yang. The most important of them seems to have been that destroying the former system under which peasants were attached to the land as virtual chattels of their overlords, and giving to them the free right to own, buy and sell land. This was not something entirely new, however. Such things as iron, which came into fairly general use in China during the second half of the first millenium B.C., had given to the peasants improved agricultural implements (such as the iron ploughshare), and so had made it possible for them to produce more crops than formerly, thus enabling them to gain greater freedom from their feudal overlords. As a result of this increased freedom, land transfer had probably already been going on before Shang Yang's time; he merely legalised this practice, probably with the deliberate purpose of breaking up feudalism, and inducing settlers from the neighboring states to immigrate to the thinly populated state of Ch'in, where they could become free landholders. [3]

This policy seems to have been continued in Ch'in under later reigns. But of the economic measures instituted under Ch'in Shih-huang himself we know very little, though in 216 B.C., whether at the advice of Li Ssŭ or not it is impossible to say, we read that "the common people were made to declare the value of their land themselves," apparently for the regulation of the land tax. From this time onward the private ownership of land, like so many other particularly Ch'in institutions, would seem to have become the rule throughout the country. The word *shih* 實, translated as 'to declare the value of', is very ambiguous, however, and the whole passage is thrown into

[1] *Ch'ien Han Shu*, ch. 23, p. 3b.

[2] See Jean Escarra, *Le droit chinois*, pp. 94—95; also Duyvendak, *op. cit.*, pp. 126—127, where the evolution of the Han code of sixty sections is traced in some detail.

[3] See Duyvendak, *op. cit.*, pp. 44 f.

doubt by the fact that it does not occur in the text proper of the *Shih Chi* at all, but only in P'ei Yin's commentary to the *Shih Chi*, under the year 216, where he quotes another scholar, Hsü Kuang (A.D. 352—452), as his authority. [1]

Another of Shang Yang's policies, connected with the foregoing, was the development of agriculture and repression of commerce. Agriculture, according to the Legalistic point of view, was the ultimate basis of a state's wealth, and hence was 'fundamental' (*pen* 本), whereas commerce was regarded as something non-productive in itself, and hence 'secondary' (*mo* 末).

That this policy of encouraging agriculture and repressing commerce had long existed in Ch'in, is indicated by what the *Ch'ien Han Shu* says about that state in its chapter on geography: [2] "Its people have customs handed down from the early kings. They delight in farming and husbandry. They busy themselves with the fundamental occupation." In furtherance of this policy, private trade was discouraged through a government monopoly of such basic products as salt and iron. [3] Under Ch'in Shih-huang this Legalist program was continued, as shown by one of his own inscriptions, in which he states that he "has elevated agriculture and proscribed what is secondary." Again, in 214, we read that merchants, together with vagabonds and other useless people, were deported to populate the distant and then quite uncivilized region of what is now Kwangtung. [4] These measures seem to have been crowned with success, for in 213 Li Ssŭ announced with some satisfaction that now "the clans and the heads of families apply themselves to agriculture and artisan labor." [5] As a strong Legalist, he was probably instrumental in all these movements, and the prejudice which existed in his time against merchants is one that has never wholly disappeared in China.

Another reform suggestive of Li Ssŭ's efforts toward standardization, was that of currency. Prior to the Ch'in dynasty, this had been of many kinds, fluctuating widely in value, but "when Ch'in united the empire, it made two kinds of currency: that of yellow gold, which was called *i*, and was currency of the higher class; [6]

[1] This commentary appears under the text given in *Mém. hist.*, II, 162.
[2] Ch. 28b, p. 6a.
[3] See the memorial of Tung Chung-shu, given below, p. 172.
[4] *Mém. hist.*, II, 145—146, 167—168.
[5] See p. 82.
[6] An *i* 溢, according to the commentator, equals twenty ounces.

and that of bronze, the material of which was the same as the coinage of Chou, but which bore an inscription saying 'Half Ounce', and was equal in weight to its inscription. With this measure, such things as pearls, jade, tortoise shell, cowry shell, silver and tin became objects (only) for decoration and precious treasures, and were not used as money." [1]

Yet all these measures do not seem to have wholly succeeded in improving the lot of the peasants. The one giving them the right to own land, for example, instead of creating a class of free land-holders, seems only to have brought about the concentration of land in the hands of a few wealthy land owners, who rented it at high rates to the peasants and in this way kept them in a position of financial serfdom almost as bad as their former political one. The *Ch'ien Han Shu,* in its chapter on economics, gives a gloomy picture of the economic situation under Ch'in Shih-huang:[2]

"Having united the empire, Ch'in Shih-huang made public works within, and expelled the I and the Ti tribes without. He received a tax amounting to the greater half, [3] and sent forth as soldiers (all) to the left of the village gate. [4] The men's exertions in cultivation were insufficient for the grain taxes, and the spinning of the women was insufficient for clothing. The resources of the empire were exhausted in supplying his (i.e., Shih-huang's) government, and yet were insufficient to satisfy his desires. Within the seas there was sadness and dissatisfaction, and this developed into disorder and rebellion."

The noted Confucianist, Tung Chung-shu, in a memorial presented to the ruler Wu-ti (140—87 B.C.), confirms this picture: [5]

"The exactions of frontier military service and of public labor per year were thirty times more than in antiquity. The land taxes, poll taxes, and profit on salt and iron were twenty times greater than in antiquity. There were some people cultivating the lands of the rich, who suffered a tax of five tenths (of their produce).

[1] *Ch'ien Han Shu,* ch. 24b, p. 1b.

[2] *Ibid.,* ch. 24a, p. 2b.

[3] The commentator, Yen Shih-ku (581—645), explains 'greater half' as meaning two thirds.

[4] *Lu* 閭, the gate of a village of twenty-five families. Yen Shih-ku explains this to mean that everyone living to the left of the gate of each village was conscripted for the army.

[5] *Ch'ien Han Shu,* ch. 24a, p. 4b. See also Duyvendak, *op. cit.,* pp. 55—56.

Therefore the poor often wore the clothing of oxen and horses and ate the food of dogs and swine. They were burdened by avaricious and oppressive officials, and the executions increased in an arbitrary manner. The people were aggrieved but had no one to rely on. They fled into the mountains and forests and became brigands. Those clothed in red filled half the road, and the number of those yearly condemned to imprisonment amounted to thousands and even to as many as ten thousand."

Here again, as in the accounts of the Ch'in laws, we should beware of literary exaggeration, especially when we notice that certain of the phrases, such as the references to 'those clothed in red', are almost word for word the same. Particularly should we beware of statements made by Tung Chung-shu, a man who was primarily responsible for making Confucianism orthodox in China, and as such completely opposed to everything the Ch'in dynasty stood for.

Nevertheless, the tremendous wars that led up to the Ch'in unification, the re-organization of the empire that followed, the maintenance of an enormous army, and the colossal exactions of both taxes and forced labor for the construction of the Great Wall, roads, and the palaces of Shih-huang, must have resulted in untold hardship for the common people. Hence when Li Ssŭ says of himself that "he relaxed the punishments and reduced the collection of taxes," there can be little doubt that the second half of his statement is as erroneous as the first. Indeed, the one point in all Li Ssŭ's reforms in which he seems to have failed, and the one which was to prove fatal, was that of neglecting to control Ch'in Shih-huang's expenditures and to create in the empire an economic, as well as a political, unity.

In his last days, Li Ssŭ may have realized his mistake, for we find him, according to Ssŭ-ma Ch'ien's account, bitterly bemoaning Erh-shih's tremendous taxations. [1] By this time, however, the crash was already imminent. As Ssŭ-ma Ch'ien remarks of Li Ssŭ: "He seized the greatest of revenues for himself . . . and was relentlessly severe and tyrannical in his punishments . . . Then when the feudal lords had already revolted, (Li) Ssŭ wished to remonstrate. Was this not late?" [2] The first uprising, that of Ch'en Sheng and Wu Kuang, had by this time already occurred, and though at first suppressed,

[1] See p. 49.

[2] P. 55.

it ultimately led to the overthrow of the Ch'in empire. It has been suggested, with much probability, that the chief cause for this revolt was the harshness of the Ch'in economic system, under which such men as Ch'en and Wu had been reduced to the level of virtual slaves. [1]

The succeeding dynasty profited by this lesson, and in 205 one of the first acts of the Han founder, himself a man of the people, was to throw open all the former Ch'in parks, enclosures, gardens and ponds, and hand them over to the people as farming land. [2] Another of his reforms was to "lighten the tax on land to one part out of fifteen." [3] This policy was continued under succeeding reigns, so that in 167 B.C. the land tax was actually abolished entirely, [4] and though in 156, the first year of the succeeding reign, it was revived, it was still kept at the low amount of one thirtieth of the produce. [5]

Yet all was not as well as we might suppose. A decree issued by the Socialist Emperor, Wang Mang (A.D. 6—23), states that "the House of Han has indeed reduced and lightened the land tax to one part out of thirty, but there have been constant requisitions for forced labor and poll taxes, for which levies have been made both on the weak and the aged. At the same time the rich have encroached upon and divided the lands, and have seized them for themselves. In name it is a tax of one thirtieth, but in actuality it is a tax of five tenths." [6] And Tung Chung-shu, in his conclusion to the memorial that has been already quoted, recommends to Wu-ti the following reforms: "Abolish the simultaneous holding of offices. Return all salt and iron to the people. [7] Do away with slavery and abolish the power of individuals to kill (their slaves). Lighten the collection of taxes and lessen the amount of forced labor, so as to increase the strength of the people. After this there can be good government."

[1] See Ma Fei-pai, *Ch'in Han Ching-chi Shih Tzŭ-liao* (Materials Contributing toward the Economic History of the Ch'in and Han Dynasties), in *Shih Huo*, vol. 3, no. 8 (March, 1936), pp. 48—49.

[2] *Mém. hist.*, II, 362.

[3] *Ch'ien Han Shu*, ch. 24a, p. 2b. Forke, in his 'Das Chinesische Finanz- und Steuerwesen' (*Mitteilungen des Seminars für Oriental. Sprachen*, 1900, p. 168), states that the same rate existed during the Ch'in dynasty itself. He fails to give any source for this statement, however, and I have been unable to find any foundation for it elsewhere.

[4] *Mém. hist.*, II, 477.

[5] *Ibid.*, p. 497.

[6] *Ch'ien Han Shu*, ch. 24a, p. 5b.

[7] I.e., abolish the government monopoly of these products.

These quotations certainly do not show the Han economic conditions in a very favorable light, and indicate that although there was improvement in some respects, yet many of the abuses of forced labor, etc., of the Ch'in régime had been allowed to continue. Nevertheless, the very fact that were such men as Wang Mang, Tung Chung-shu and many others, who were alive to the evils of the situation, and who were allowed to speak as they wished, shows how much the spirit of the age had changed. One of the most striking examples of Han liberalism was the great assembly called in 81 B.C., at which some sixty literati who had been summoned to the capital by the government from all parts of the empire, presented the grievances of the common people. The holding of such an assembly as this (which gives the basis for the debate recorded in the *Yen T'ieh Lun*, or 'Discourses on Salt and Iron'), stands in striking contrast to the government policy of Ch'in, under which no free speech was permitted.

Under the Han dynasty, therefore, the life of the poor was no doubt not an easy one, just as in most countries and ages it has not been easy, but it was at least bearable. Under the Ch'in, on the contrary, the pressure was so great that an explosion became inevitable, with the result that Ch'in, as a united empire, was able to last but fifteen years, whereas the Former Han dynasty endured for more than two centuries.

3. LI SSŬ AND THE INSCRIPTIONS OF CH'IN SHIH-HUANG

One of the statements made by Li Ssŭ about his various achievements is that he "laid out imperial highways and inaugurated (imperial) tours of inspection." These highways will be discussed in the following section. The imperial tours, the first of which occurred in 219, were made over the new roads, and eventually took Ch'in Shih-huang to almost all parts of the empire. These tours served the double purpose of aweing the local inhabitants by giving them a glimpse of the magnificent entourage of their new Emperor, and of giving the Emperor some conception of the territories he had conquered. Such imperial inspection tours have since been made by many emperors down to comparatively modern times.

During these several tours of Ch'in Shih-huang, he erected a number of large stone tablets at various important places, all of which bore inscriptions praising his own achievements in the highest

terms. The *Shih Chi* mentions six such inscriptions: (1) One erected in 219 on Mount I, a mountain near the southern border of Shantung, slightly east of the present Tientsin-Pukow Railroad. (2) An inscription of the same year, erected on the famous sacred mountain of T'ai Shan, also in Shantung. (3) A third inscription, also of 219, on the terrace of Lang-ya, on the sea coast in Shantung. [1] (4) An inscription of 218, erected on Mount Chih-fou, in Shantung. [2] (5) An inscription of 215, erected on Mount Chieh-shih, in Hopei. [3] (6) An inscription of 211, erected on Mount Kuei-chi, in Chekiang. [4]

The texts of all these inscriptions, with the exception of that of Mount I, are recorded in the sixth chapter of the *Shih Chi*. [5] Under the first year of Erh-shih (209 B.C.), the *Shih Chi* also states that Erh-shih, accompanied by Li Ssŭ, made an extensive tour throughout the empire, and that he ordered supplementary inscriptions to be engraved at the side of all those which had been made by his father. The text of these supplementary inscriptions, all of which were practically the same in wording, commenced by listing those officials who had accompanied Shih-huang on his various expeditions, and continued with praise for Shih-huang's inscriptions, and for Shih-huang's illustrious virtue. [6]

The reason why we should be interested in these inscriptions of Shih-huang and in Erh-shih's supplementary additions, is the strong tradition, according to which they were actually written by Li Ssŭ himself. Thus the *Shui Ching Chu* (Commentary on the Classic of Water) says in one place that "the stone tablets on various mountains, and the inscriptions on bronze human figures, were all written by (Li) Ssŭ." [7] In another place it states that Li Ssŭ, at Ch'in Shih-huang's command, composed the Mount I inscription, and still elsewhere, that he also made the inscription at Kuei-chi. [8] Chang Shou-chieh, in his commentary on the *Shih Chi* (published A.D. 737), confirms the attribution of the Kuei-chi inscription to Li Ssŭ, by saying that "its text and calligraphy are both by

[1] For this place, see p. 25, note 5.

[2] Thirty-five *li* northeast of Fu-shan 福山 hsien.

[3] About thirty *li* east of the beach resort of Peitaiho.

[4] For this place, see p. 25, note 4.

[5] See *Mém. hist.*, II, 140—142, 145—151, 157—162, 165—167, 186—189.

[6] *Ibid.*, pp. 198—199.

[7] *Chüan* 4, p. 22b.

[8] *Chüan* 25, p. 8a, and 40, p. 11b.

Li Ssŭ." [1] However, this statement in itself possesses little value, since it is probably derived from that in the *Shui Ching Chu* already referred to.

The *Shui Ching Chu,* unfortunately, is a rather late work, having been written by Li Tao-yüan (died A.D. 527); while the *Shih Chi* itself says nothing of Li Ssŭ's supposed authorship. On the other hand, the fact that Li Ssŭ accompanied Shih-huang and Erh-shih on the various expeditions when these inscriptions were made, and that he was the outstanding literary figure of the time, makes it quite possible that the tradition ascribing them to him is correct.

Unfortunately, the actual tablets upon which these inscriptions of Ch'in Shih-huang and Erh-shih were engraved, have now almost entirely disappeared. That of Chieh-shih has been known to be a forgery since the period of the Six Dynasties; those of Mount I and Kuei-chi were lost or destroyed during the T'ang dynasty; the authenticity of the Chih-fou inscription was denied as early as the Sung dynasty; while the ten characters of the T'ai Shan inscription which supposedly still survived in the year 1815, are now known to have been forged at that time. This leaves us only the Lang-ya inscription which has actually survived in part until the present day. Of this, the original inscription by Ch'in Shih-huang had already disappeared in the early part of the Ch'in dynasty, leaving only the supplementary inscription made by Erh-shih, and consisting of twelve columns containing a total of eighty-four characters. In the year 1900, during a storm, a great part of the ground on which the tablet stood slipped into the sea, but in the year 1926, the remaining broken fragments of the tablet were pieced together, and are now on display in the museum of the Bureau of People's Education at the town of Chu-ch'eng 諸城, near Lang-ya. [2]

Regardless, therefore, of whether or not this Lang-ya inscription was actually composed and written by Li Ssŭ, it should hold considerable interest for us, since it is one of the very few inscriptions which can be said, with some degree of probability, to date from Ch'in times, and which can therefore show what the Small Seal style of script, as formulated by Li Ssŭ, was like. The rubbing of this

[1] This commentary appears under the account of the Kuei-chi inscription given in *Mém. hist.*, II, 186.

[2] For all these facts, see Jung Keng, 'The Stone Inscriptions of Ch'in Shih-huang-ti' (written in Chinese), in the *Yenching Journal of Chinese Studies,* no. 17 (June, 1935), pp. 148, 127—131.

inscription, which is reproduced as the frontispiece of this volume, is one dating from the year 1868. It contains only Erh-shih's supplementary inscription, and consists of twelve columns having a total of eighty-four characters; [1] the original inscription of Ch'in Shih-huang, as already stated, has been missing since the beginning of the Ch'ing dynasty. As will be seen from the photograph, the characters of the rubbing are now almost illegible, but careful study has shown that their text agrees closely with that of Erh-shih's supplementary inscription as given in the *Shih Chi,* and is also almost identical with that found on the Mount I tablet, a translation of which has been made by Chavannes. [2]

4. MISCELLANEOUS MEASURES

The remainder of Li Ssŭ's measures may be dismissed with few words. Like those already described, they were one and all for the purpose of strengthening the unity of the newly won empire.

The abolition of feudalism was perhaps the most important immediate means of bringing about this unity, and was greatly aided by the plan of transporting 120,000 of the richest and most powerful families of the empire to the capital at Hsien-yang, where they were far removed from their ancestral land holdings and their followers, and where any separatist tendencies could be kept under the watchful eye of the Emperor. Though they were thus deprived of their land, they were placated by being given honorary titles, and by the scheme of building palaces for them at Hsien-yang, modelled exactly after those that they themselves had formerly inhabited. The court life at the capital, thus swelled by all the rich and noble people of the land, must have been an active one.

Meanwhile the Ch'in government attempted to make revolt impossible by melting up all the weapons that had belonged to the feudal lords, and by casting them into bells and bell supports, and into twelve gigantic human figures that were erected in the imperial palace. It is unfortunate that these figures, perhaps the earliest examples of Chinese monumental sculpture, have not come down to us. In this connection, too, may be mentioned the destruction of the barriers and fortifications which had been built in different parts

[1] See Jung Keng, *op. cit.,* p. 157. This reproduction is the same as no. 10 in the series of illustrations accompanying Jung Keng's article.

[2] See *Mém. hist.,* II, 553.

of the empire by the nobles, and which, had they been allowed to remain, would have constituted a serious military menace.[1]

A second important group of measures was designed to improve communication within the empire. One of these measures consisted in making the gauge of the wheels of carts equal for all parts of China. Its importance as a means for facilitating travel can be readily appreciated by all persons who have travelled over the deeply rutted roads of China in what is today called a Peking cart. Another measure was the construction of a network of roads extending throughout the empire, and in the *Shih Chi*, under the year 220, we learn that such roads, fifty paces broad and lined with trees, were built leading from the capital to the farthest reaches of the empire in the east and south.[2] No doubt these roads were built primarily for military rather than commercial purpose (as well as for facilitating the tours of the Emperor through the country), since the Ch'in policy toward trade, as already mentioned, was a negative one.

The unification of the measures of capacity, weight and size was another reform instituted by Li Ssŭ. It was not a lasting one, however, for in later times, and even today, the measures used in different trades and different regions sometimes vary slightly, despite the efforts of the present Chinese government to standardize them.

Finally let us consider Li Ssŭ's own statement about himself: "He also expelled the Hu and the Ho along the north, and imposed rule upon the various Yüeh to the south." This refers to the conquests made in 215 and 214 both in the northwest and in the south, through which the Ch'in empire was enlarged by the inclusion of much of what is now Kwangtung and Kwangsi, and reached practically the limits of present China proper.[3]

We should not infer from Li Ssŭ's statement that he himself led the campaigns against these barbarian tribes. They were undertaken by various Ch'in military generals, but Li Ssŭ no doubt had the general planning of them. The campaign against the Hu tribes in the north is connected with a curious story which gives a further illustration of Shih-huang's superstitious credulity. According to this story, the Emperor was told in 215 by one of the Taoist magicians with whom he had so many dealings, that the destruction of the Ch'in dynasty would be brought about by *hu* 胡. Inferring

[1] See *Mém. hist.*, II, 165, 166.
[2] *Ibid.*, p. 139 and note 6; also p. 174.
[3] See p. 50, note 3, and p. 246, notes 2 and 3.

from this that it was the Hu barbarians that were dangerous to the empire, Shih-huang, according to the *Shih Chi,* immediately sent 300,000 soldiers against them under General Meng T'ien. [1] Actually, however, the prediction had reference to Ch'in Shih-huang's own son, Hu-hai, whose name contained the same character, and whose illegal succession to the throne did in fact play a leading role in the downfall of the dynasty.

Regardless of whether this story is true, there can be no doubt that Meng T'ien's campaign against these tribes was intimately connected with the building of one of the most tremendous structures ever known to man, the Great Wall. Whether this wall was built by Meng T'ien at Li Ssŭ's advice, or simply to satisfy Ch'in Shih-huang's own desire for grandeur, we have no means of knowing. Its construction is mentioned under the succeeding year of 214, and in Meng T'ien's own biography. [2]

It is not to be supposed, however, that the conception of such a structure originated with Ch'in. Similar smaller walls had already been built by several feudal states, such as Wei, Chao and Yen, as well as by Ch'in itself. [3] Probably the Great Wall of Ch'in was more a unification and enlargement of the already existing walls of these states, than an entirely new construction. Its value as a protection against the northern Tartars has been a question much debated.

Nor are we to suppose that the wall we see today is wholly that of Ch'in. Beginning with the Han dynasty, it has been repaired and enlarged many times, and the present structure, much of which dates only from the Ming dynasty (1380—1644), is in many parts not identical in location with the original Ch'in wall. As it now stands, it extends a distance of somewhat more than 1,800 miles. Some portions are in excellent repair, while other older parts have been reduced to mere mounds of earth a few feet in height. Yet still the wall persists, a lasting monument to man's incredible powers of industry and his desire for grandeur.

[1] *Mém. hist.,* II, 167.

[2] See *ibid.,* pp. 168—169, and *Shih Chi,* ch. 88.

[3] See pp. 6, 140.

CHAPTER X

LI SSŬ'S PHILOSOPHIC BACKGROUND

The preceding chapters have given us some idea of Li Ssŭ's activities and their material results. There remains the fascinating but difficult task of examining Li Ssŭ's philosophic background, and seeing in what way it supplied a rational basis for these activities.

During the early part of the Chou dynasty, when conditions were still fairly stable, men of education, as a rule, if not themselves of high noble birth, at least held fixed positions in one or other of the state governments. Rulers and nobles, whether they liked it or not, found it necessary to keep in their service men who could read and write, keep accounts and records, and prepare dispatches. These men, who were the humble prototypes of that class of literati that has later played such an important role in China, were probably recruited, for the most part, from the lower fringes of the aristocracy; i. e., from the class of gentry, composed of men of good birth, but of little means, who were therefore glad to work in some clerical position.

Already in the time of Confucius (551—479 B.C.), however, this condition changed, and under the impact of the tremendous political and social upheavals of this and succeeding centuries, a new scholar class appeared. Unlike their predecessors, these men either held no fixed official position or did so only sporadically. Some of them continued to come from the class of gentry, but others were of quite humble origin. Often, instead of holding official position, they preferred to earn a livelihood by teaching disciples, or by travelling about from one state ruler to another, to whom they propounded their ideas. Probably the very fact that they were free and unattached to any definite position, gave them more influence and prestige than they would otherwise have had.

The activities of these men, who belonged to many different philosophic schools, led to an intellectual fermentation such as has rarely been seen elsewhere save in ancient Greece. By the time of

Ch'in Shih-huang such a confusion of ideas had resulted that their disentanglement is a matter of the greatest difficulty. Some of them, as carried into effect by such men as Li Ssŭ, are responsible for the creation of the Ch'in empire, and so a knowledge of them is essential for an understanding of what this new empire really stood for. In the following pages we shall attempt to trace the development of a few of the more important of these ideas. Most of them cut across the usual classifications of thought, known as Taoism, Legalism, etc., and appear first in one school and then in another, for which reason they will not be grouped under these various schools, but will be discussed each by itself.

1. AUTHORITARIANISM

In a preceding chapter we have already traced the development of the concept of empire, which played such an important part in Li Ssŭ's thinking. Of the more philosophical ideas motivating Li Ssŭ, undoubtedly the most powerful was that of authoritarianism, that is, the belief in the necessity for an absolute and uncompromising obedience of all people to one centralized authority. This concept supplies the motive for the Burning of the Books, done for the purpose of giving the state a monopoly on education and knowledge; for the abolition of feudalism, the continuance of which would have detracted from the centralized power; and for all of Li Ssŭ's other unifying measures.

Authoritarianism was not original with Li Ssŭ, however, for it had been one of the most persistent doctrines in ancient Chinese philosophy, and had appeared in many different schools of thought. This is hardly surprising, considering the fact that the troubled political conditions of the Warring States period were one of the chief stimuli for the rise of these philosophic schools, and compelled them to devote their best efforts toward solving the problems relating to human conduct. How to obtain a good government which would end the prevailing disorder, became the pressing intellectual question of the day, and it is natural that to many thinkers a highly centralized authority should be the answer.

In the time of Confucius this problem had not yet become so acute, and so though obedience of inferior to superior was for him an implicit requisite for any kind of good government, yet thoroughgoing authoritarianism, of the type defined above, had

hardly yet been thought of. His authoritarianism, if we wish to use such a term in connection with Confucianism, was a paternalistic one, based on the traditional feudal system, of which he was a staunch upholder.

This feudalism, ideally speaking, was a system in which everyone has his fixed place in the world. Society under it was a graded hierarchy in which each person had certain stated duties and obligations to fulfil, on the one hand toward his superiors, on the other toward those beneath him. Universal good government, therefore, resulted from the general acquiescence of all people to their allotted position in such a society, and the performance by each individual of his proper duties.

The increasing disorder between the feudal states, was for Confucius clear evidence that this sense of mutual obligation that should govern people in their conduct toward one another, had been lost. Hence he insisted that the belief in feudalism, with its fixed gradations culminating in the King or Son of Heaven at the top, must be reinforced, if peace is to return.

When asked by one of the nobles of his time how to conduct government, Confucius put the matter very simply. "Let the ruler be ruler," said he, "and let the minister be minister. Let the father be father, and let the son be son." [1] In other words, each person should without discontent perform to the best of his ability the duties demanded of him by his social position. The ruler should be freely acknowledged by those beneath him as their ruler, and not be the mere puppet of his ministers, as was the case in several states in Confucius's time; while in his own conduct, the ruler should strive to live up to the ideal meaning of the word 'ruler'. His ministers, also, should conscientiously perform their duties, faithfully serving their ruler above, and not abusing their power over those below. So too with relationships within the family. The father should be acknowledged by the son as father, and obeyed as such, and he in his turn should treat the son with the love that befits a real father.

But how to induce people to accept their places in such a system? In early times, when the sanctity of the feudal system was still taken for granted, the ruler was conceived of as possessing a magical 'power' or 'efficacy' or 'personality' (in the non-psychological meaning of the word), which was called his *te* 德. Let the ruler

[1] *Lun Yü*, XII, 11.

merely give free expression to this *te*, it was believed, and universal well-being would automatically result. But as time went on and people gained in sophistication, doubts began to arise about the adequacy of a system of rule based only on a magical *te*. Why should such sanctity be attached to the conduct of rulers who, it became increasingly evident, possessed all the weaknesses and foibles of other mortals? Hints of these doubts can be found in the literature prior to Confucius's time, [1] but it is one of his greatest contributions that he was the first to realize clearly where the fault lay, and so was the first to reinforce the concept of *te* with moral values.

This marked the beginning of the famous Confucian doctrine of the power of the personal example of the superior over his inferiors. The ruler's *te* will not of itself automatically ensure good government. He must first strive to develop himself morally, and only then through his *te* can he lead his people along the right path. If the ruler be virtuous in his own conduct, those beneath him will also be virtuous, and will accept their lower station without complaint; but if he be cruel or neglectful of his obligations to them, disorder will result. As this new idea became developed, the word *te* lost more and more of its old magical significance, until its meaning changed entirely to that of 'virtue', the meaning it still holds today.

Several sayings by Confucius illustrate the beginning of this new concept of goverment through moral suasion. A noble once asked of Confucius: "How would it do to execute the lawless for the sake of the law-abiding?" Confucius replied: "What need, sir, for capital punishment in your administration? Let you, sir, desire good, and the people will be good. The qualities (*te* 德) of the ruler are like the wind; those of the people beneath him are like the grass. When the grass has the wind upon it, it assuredly bends." [2] The same noble, being plagued with robbers, asked Confucius how to rid himself of them. Whereupon Confucius replied: "If you, sir, be

[1] See the *Shih Ching*, II, vii, Ode 9, a poem chiding the ruler for his neglectfulness to the people, which says: "What you (i. e., the ruler) teach, the people all imitate" 爾之教矣、民胥傚矣; again: "If the Princely Man has good conduct, the lesser people will follow him" 君子有徽猷、小人與屬. Here we find the beginning of the idea of the moral responsibility of the superior to his inferiors, which, as we shall see immediately below, was later emphasized by Confucius.

[2] *Lun Yü*, XII, 19.

free from the love of wealth, although you reward them for it, they will not steal." [1]

These principles have remained dominant in Confucianism, but by Mencius (371?—289?), they were somewhat modified to mean that if the ruler does not in his conduct live up to the real name of ruler, the people are perfectly justified in replacing him by another man who will give them the good government to which they are entitled. This is the famous doctrine of the right of revolution, which still further differentiates the Confucian concept of authority from that of the other philosophic schools.

It is not, therefore, until Mo Tzŭ (c. 479—c. 381), whose school of Mohists was for some centuries the chief rival of Confucianism, that we find the doctrine of authoritarianism enunciated with thoroughness and precision. Mo Tzŭ explains the evils arising from the lack of a centralized authority, as follows: [2]

"Why are superiors today unable to govern their subordinates, and subordinates unwilling to serve their superiors? It is because of a mutual disregard. What is the reason for this? The reason is that there is difference in the standards of what is right (*i* 義). Whenever standards of what is right differ there will be a party. The ruler may think a man good and reward him. The man, though rewarded by the ruler, yet by the same act (for which he was rewarded) provokes the condemnation of the people. . . . The ruler may think a man evil and punish him. This man, though punished by the ruler, at the same time receives the approval of the people. Because of this, ... reward and honor from the ruler are not enough to encourage the good, and his denunciation and punishment are insufficient to prevent evil."

To avoid such a condition, says Mo Tzŭ, the principle of what he calls *shang t'ung* 尙同, or Agreement with the Superior, should be applied: [3]

[1] *Lun Yü*, XII, 18. See also XII, 17; XIII 6 and 11.

[2] *Mo-tzŭ*, ch. 13 (translation of Mei, p. 72).

[3] *Ibid.*, pp. 72—75. I have hesitated for some time before translating *shang t'ung* 尙同 as 'Agreement with the Superior', instead of something like 'the Value of Unity', which the characters would ordinarily seem to demand. In so doing I have followed the traditional interpretation of the Chinese commentators, who take 尙 as equivalent to 上, and so explain *shang t'ung* as literally meaning 'Superior Agreement', i. e., 'Agreement with the Superior'. See Mei's translation, p. 55, note 1. This interpretation is confirmed by Hsün Tzŭ's use of the term. See below, p. 188, note 1. (*over*).

"How can the standards of what is right (*i* 義) in the world be unified?. . . . Why not let the patriarch give laws and proclaim to the clan: 'Whoever discovers a benefactor of the clan shall report it; whoever discovers a malefactor of the clan shall report it.' Then whoever sees and reports a benefactor of the clan, will be equivalent to being a benefactor of the clan himself. Knowing him, the superior will reward him; hearing of him, the group will praise him. Whoever fails to report a malefactor of the clan upon seeing one, will be equivalent to being a malefactor of the clan himself. Knowing him, the superior will punish him; hearing of him, the group will condemn him. Thereupon. . . . the patriarch can reward the good and punish the evil, . . . and then the clan will surely have order. Now, why is it that the clan becomes orderly? Just because the administration is based upon the principle of Agreement with the Superior. . . .

"Therefore the clan patriarchs should again bring together the standards of what is right (*i*) of the clan and make them similar to those of the state ruler. . . . And therefore the state ruler should again choose from the standards of what is right of the state and make them similar to those of the Son of Heaven. . . . Then the Son of Heaven can reward the good and punish the evil, . . . and the world will surely have order."

But how is this Agreement with the Superior to be maintained? Mo Tzŭ explains further: "Now that the world becomes orderly, the Son of Heaven will further bring together the standards of what is right of the world and put them in agreement with Heaven." [1] This Heaven, Mo Tzŭ maintained, is a purposeful force, capable of sending down good fortune upon people who do good, and

The reason why I have decided to follow the commentators, is because otherwise there is difficulty in translating the sentences in the second paragraph of the quotation that follows, which state of the clan patriarchs and the state ruler that they should take the standards of rightness of the clan and the state and "make them similar" (*shang t'ung*) to those of the state ruler and the Son of Heaven respectively. If we take *shang t'ung* in the sense of 'the Value of Unity', we must then translate these sentences as meaning, that the standards of rightness of the clan are brought together "in order to value unity" with the state ruler, etc. But the entire paragraph is a straightforward account of what *ought* to be done; it does not attempt to tell *why* this should be done. The fact that by following the procedure thus described, one will thereby 'value unity', is something that is taken for granted, and does not require special mention.

[1] *Op. cit.*, p. 75.

disaster upon those who do evil.[1] Therefore, said Mo Tzŭ, people should conform their actions and ideas to those of the Son of Heaven, who in his turn conforms them to the Will of Heaven, so that in this way they may be certain that they are doing what Heaven will approve of.

That Mo Tzŭ, one of the few really religious thinkers whom China has produced without an external stimulus, such as Buddhism, should also be the first to have stated the theory of authoritarianism with such clarity, is no mere chance. In all lands and at all times it has been man's experience that religion and authoritarianism tend to go hand in hand. In his own school, Mo Tzŭ applied the principle of Agreement with the Superior with strictness, and created a well organized body, capable of discipline and concerted action. The school was presided over by a 'Leader' (*chü tzŭ* 鉅子) who possessed the power of life and death over its members, and who was obeyed by them with almost religious fervor.[2] This position of Leader, after Mo Tzŭ's death, was held by a succession of prominent Mohists, who maintained the three schools into which the Mohists later divided, as an influential factor in Chinese thought until the beginning of the Han dynasty.

Following Mo Tzŭ, the next thinker in whom we find authoritarianism strongly asserted is Hsün Tzŭ. As a Confucian, Hsün Tzŭ was opposed to Mo Tzŭ in most respects, and even criticized him on this very point by saying that "Mo Tzŭ had insight regarding uniformity, but no vision regarding individuality."[3] In his own emphasis upon authoritarianism, however, it seems quite possible that Hsün Tzŭ may have been influenced by Mo Tzŭ's doctrine of Agreement with the Superior. Indeed, he even uses the term itself in one of his chapters, in which he says:[4] "When the model is inaccessible, then those below do not act according to it. If they do not. . . . act according to the model, then the ruler and the ruled cannot help each other. If conditions are thus, it is as if there were no

[1] See *Mo-tzŭ*, chs. 26—28.

[2] See Fung Yu-lan, *A History of Chinese Philosophy*, translated by Derk Bodde, I, pp. 81 f.

[3] *Hsün-tzŭ*, ch. 17 (translation of Dubs, pp. 184—185). It is possible that this statement is also a criticism of Mo Tzŭ's principle of universal love, which, because it transcended and therefore tended to break down the close ties of family and of feudal community, was vigorously opposed by the Confucians.

[4] *Hsün-tzŭ*, ch. 18 (translation of Dubs, p. 187).

Agreement with the Superior (*shang t'ung*) [1]. . . . Therefore the ruler is the foundation of the subjects."

Hsün Tzŭ lived during the last decades of the Warring States period, at a time when the conflicts between the different states had reached their height, and when a centralized authority was more needed than ever before. His famous doctrine of the original evilness of human nature, therefore, is not a suprising conclusion, in view of the disorder that surrounded him. Because of this evilness, Hsün Tzŭ believed, peace can only be arrived at when a strong and centralized authority exists, which through education and nurture can correct the evilness of man's nature, just as a piece of wood originally crooked can be artificially straightened. [2]

Education, for Hsün Tzŭ, thus becomes one of the chief functions of the state, and is a state monopoly. The people, being by nature evil, cannot be allowed to think or act for themselves, and any heterodox ideas extending beyond the scope of what the state deems to be proper, must be proscribed.

Hsün Tzŭ himself developed an elaborate system of dialectic to expose what he considered to be the fallacies of the schools opposing Confucianism. This he did only as an unavoidable necessity, however, since he lived in an age in which no central authority existed. For the future he envisioned a day when such dialectic would no longer be permitted, and when the state would prohibit any thought lying beyond what Hsün Tzŭ called *the* Way or *Tao* 道, a term which signified to him chiefly the sum total of the Confucian virtues. Hsün Tzŭ, after classifying dialectical fallacies into three types, says on this point: [3]

"All heretical doctrines and flagitious teachings which are impudently fabricated and which depart from the Way, can be classed among these three fallacies. Hence the wise ruler, knowing to which class they belong, does not dispute about them. Thus the people can be easily united in the Way, although they cannot be

[1] For the word *shang*, the character 上 is used instead of 尙, thus strengthening the interpretation of *shang t'ung* as meaning 'Agreement with the Superior' and not 'the Value of Unity'. See above, p. 185, note 3. Dubs fails to recognize *shang t'ung* as a technical term of the Mohists, and so translates incorrectly: ". . . then it is the same as if there were no ruler."

[2] *Ibid.*, ch. 23 (translation of Dubs, p. 302).

[3] Ch. 22 (translation of Dubs, p. 289).

given all the reasons for things. Hence the wise ruler deals with the people by authority(*shih* 勢), and guides them to the Way; he orders things in his decrees, explains things in his proclamations, and restrains them by punishments. Thus his people are transformed into the Way as if by magic. Why should he use dialectic?

"But now," concludes Hsün Tzŭ sadly, "the Sage-kings are no more, the world is in disorder, wicked doctrines have arisen, the wise man has no power to compel the people to do right and no punishment to prevent them from following wrong, and so there is dialectic." Hsün Tzŭ, though a Confucian, shows himself here as a link joining his own school with the Legalists, and when we remember that both Han Fei Tzŭ and Li Ssŭ were his pupils, the connection between this passage and Li Ssŭ's Burning of the Books becomes evident. Especially noteworthy is Hsün Tzŭ's use of the word *shih* 勢, meaning power or authority, a term which occurs constantly in Legalist writings, and which forms one of the corner-stones of Legalist thought. A famous passage describing this *shih* from a Legalist point of view is found in the *Han-fei-tzŭ*: [1]

"A flying dragon rides on the clouds, and a floating snake travels on the mist; but when the clouds disperse and the mist lifts, the dragon and the snake are not different from a cricket or an ant, because they have then lost the element on which they rode. If men of talent are subjected by worthless men, it is because their authority is weak and their position low, whereas if the worthless can be subjected by men of talent, it is owing to the authority of the latter being strong and their position honored. . . . From this I know that it is power (*shih*) and position that should be relied upon, whereas talent and wisdom are not respected. If a bow being weak, an arrow is yet carried high, it is because it is speeded up by the wind; if a person being of no worth, his orders yet carry, it is because they are assisted by the masses. When (the Sage-king) Yao was of low rank, the people did not listen (to his teaching); but when he was sitting with his face to the south and was king over the empire, his orders carried, and his interdicts had force. From this I see that talent and wisdom are not sufficient to subdue the masses, but that power (*shih*) and position are able to subject even men of talent."

[1] Ch. 40 (*chüan* 17, pp. 1—2). This passage has already been translated by Duyvendak, *op. cit.*, pp. 97—98.

Though this passage is not attributed directly to Han Fei Tzŭ, but to another Legalist, Shen Tao, its content is in full harmony with what Han Fei himself expresses. For example: "*Shih* is the means for gaining supremacy over the masses, ... and therefore when the intelligent ruler executes his regulations, . . . when his *shih* operates and his teachings are severe, nothing that he encounters resists him." Again in the same chapter: "The people are kept in fear of their superior through the regulations, and the superior keeps those below him in a lowly position through his *shih*." [1]

The similarity between such statements, and what Li Ssŭ urges in his memorial to Erh-shih, is obvious: [2]

"Therefore the intelligent ruler is one able. . . to hold the methods of the ruler in his own hands alone, issuing his decrees to ministers who will listen and follow him, and thus practising his clear laws. Therefore being venerated in his own person, his power (*shih*) is weighty. All talented rulers must necessarily be able to oppose the world and to grind the usages (to their own liking), destroying what they dislike and establishing what they desire. During life, in consequence, they hold a power (*shih*) that is honorable and weighty, and after death they receive a posthumous title that speaks of ability and intelligence. This is why the intelligent ruler makes decisions solely himself, and hence his authority does not lie in the hands of his ministers."

The unification of China and the creation of a supreme ruler thus came as the logical conclusion to a theory of authoritarianism which had first been expressed, though in a mild and paternalistic form, by Confucius; was put into clear and unmistakable terms by Mo Tzŭ; developed and strengthened by Hsün Tzŭ; and became a guiding principle of the Legalists. Though the line of descent is clear, we should take care to differentiate between the authoritarianism of the last named group and that of the other schools.

According to Confucius, people can be induced to pay allegiance to their ruler only through the power of his *te,* as embodied in moral and personal example. The 'authoritarianism' he conceived of was that of a benevolent sovereign, who rules his subjects on terms of personal contact with them. Mo Tzŭ's authoritarianism was more thoroughgoing, but still it was based upon moral grounds,

[1] Ch. 48 (*chüan* 18, pp. 21 and 33).

[2] See p. 42.

that is, a belief in a personal Heaven that rewards goodness and punishes evil. Hsün Tzŭ pushed the doctrine farther, and no doubt would have approved of many of Li Ssŭ's activities, even that of the Burning of the Books, if the Confucian literature could have been spared. In his theory of education and nurture, however, and his insistance upon ethical values, he remained typically Confucian.

The authoritarianism of the Legalists, on the other hand, was one designed primarily to serve the ends of the ruler, and one in which the welfare of the people was only a secondary consideration, or even did not count at all. It coldly disregarded all moral values, and put sole reliance on force. It kept the people in subjection, not through the power of education, but through fear and through a mechanistic system of rewards and punishments which would play on men's worst characteristics. This distinction between Legalism and Confucianism will be treated more fully in the succeeding section.

2. LAW

As we have seen, the Confucian ideal was that of a government based on personal relationship between ruler and subject, in which the moral example of the sovereign played a dominant part. Not compulsion, but suasion, was to be used, and to a large extent this was embodied in what was called *li* 禮.

This term, which in Chinese has a wide connotation, may be variously translated as rites, ceremonial, etiquette, good form, good manners, etc. As used by the Confucians, it is a combination of all these things, and forms the sum total of the traditional customs and practices (based, in the case of ancient China, chiefly upon feudal institutions), which guide the people of any society in their relations with one another. As such it may perhaps be best translated as the *mores*, or as customary morality.

Already with Confucius, much emphasis was laid upon *li*, in combination with education, as a means for moral development. "The Princely Man (*chün tzü* 君子)," says Confucius, "who broadens his learning in literature, and who keeps it within the restraints of *li*, is indeed unlikely to get off the track." [1]

[1] *Lun Yü*, VI, 25.

Mencius was less interested in *li,* since his theory of the natural goodness of man also implied the belief that each individual can be his own judge in matters of conduct, and therefore that such external standards as *li* are hardly necessary. With Hsün Tzŭ, however, quite the reverse is true. Man, he said, is by nature evil, and therefore education is necessary in order to overcome this evil. This education can best be carried out through inculcation of the traditional *li,* and of the principles upon which these *li* are based, as found in the texts used by the Confucian school, such as the *Shih* and *Shu.* Education and *li,* therefore, assume an importance in Hsün Tzŭ's philosophy quite unparallelled in any Confucian before his time, and the subsequent respect of later Confucianist China for learning and for traditional morality or *li,* owes not a little to Hsün Tzŭ's influence.

Government of this kind, it will be noticed, being based upon personal contact between ruler and subject, and upon the influence of *li,* is one ideally fitted for the small state having a stable and homogenous culture and a fixed population. In other words, it is well suited for conditions, as they existed in the petty feudal states of the early part of the Chou dynasty, when communications were poor, and the social structure of each state was relatively static. Government in a state of this kind is a paternalistic one, similar in many ways to that existing within the family clan, which, since earliest times, has been the basis of Chinese society. This is one reason why the Confucians have so often compared the state with the family, and refer so frequently to the ruler as 'the parent of the people'.

Even in the time of Confucius, however, it was becoming increasingly difficult to carry this concept of personal government into practice. Communications were improving, so that fewer persons spent all their lives in one locality than formerly. Under the impact of economic changes and new ideas, the old standards of the different states were crumbling, and people were becoming more and more impatient with the fixity of the feudal structure, which utterly failed to adapt itself to new conditions. At the same time many states were seizing territory for themselves at the expense of their neighbors, and were finding it more and more difficult to govern the subjects thus acquired through the old methods. The *li,* which were backed only by the power of public opinion, were found to be inadequate to cope with the new and changing conditions. Some-

thing more tangible and compelling, which would serve as a machinery to operate government in its increasing complexities, seemed necessary.

The pressure of this necessity led, about the sixth century B.C., to the development of a new concept: that of a fixed and public law. Thus we find no less than three law codes making their appearance during this century: two in the state of Cheng, promulgated in 536 and 501 respectively, and one in the state of Chin, inscribed on bronze tripods in the year 513, so that it might in this way become known to all.[1] Though these and later codes, even until the Han dynasty, were restricted chiefly to criminal law, they marked a revolution in thinking as great as that which separates the government of a tribal clan from that of a modern state.

Law may have begun in ancient China as a means of governing non-Chinese peoples living in newly conquered territory, since such peoples, being outside the pale of Chinese culture, could naturally not be expected to conform to the traditional Chinese *li*. As time went on, however, law came to be applied to the common folk within the Chinese states, as well as to the conquered barbarians, leaving the usages of *li* more and more restricted to the upper classes.

But it was not until the fourth and third centuries B.C. that the Legalists brought the concept of law (*fa* 法) to its logical conclusions, and made of it the foundation of a new philosophy of government. The law, according to their later writings, was to be universal, and was to be obeyed by all alike. As such it constituted a further blow to feudalism, under which each petty noble had been allowed to be a law unto himself and to have unrestricted powers over those beneath him. Han Fei Tzŭ says on this point: "As for the laws, let them be recorded on the registers, set up in the government offices, and promulgated among the people."[2] And the *Kuan-tzŭ* states: "If the law is not uniform, it will be inauspicious for the holder of the state . . . Therefore it is said that the law must be kept constant.[3] It is out of this that preservation or

[1] See Escarra, *Le droit chinois*, p. 94.

[2] Ch. 38 (*chüan* 16, p. 15).

[3] The text reads: "may not be kept constant," but I add a second 不 at the suggestion of the commentator, An Ching-heng 安井衡, thus making the sentence into a double negative, which I translate as an affirmative. See Fung Yu-lan, *A History of Chinese Philosophy*, Chinese edition, Commercial Press, Shanghai, I, 393.

destruction, order or disorder, develop, and the Sage ruler uses this as the great mould (*i* 儀) for the empire . . . All things and affairs, if not within the scope of the law, cannot proceed. Therefore law is the highest way of conduct for the world." [1]

In order to establish the authority of such law, it is necessary that all ideas not in strict accordance with it should be suppressed by the government. Han Fei Tzŭ points this out as follows: [2]

"The establishment of laws and orders is done so as to do away with private standards. When laws and orders are practised, private ways of conduct will disappear. Private standards are what throw the laws into confusion. When there are gentlemen who pursue private studies with double mindedness, dangerously resting in their hidden ways, and putting their reliance on deep speculations, then the greater of them will heap criticism upon the world and the lesser ones will excite doubt below . . . There is a fundamental saying which states: 'What gives good government is law; what brings disorder is private standards.' When law has been established, no one is permitted to have any private standards."

Again he remarks: "In the state of an intelligent ruler, there is no literature of books and bamboo tablets, but the law is the only doctrine. There are no sayings of the early kings, but the officials are the only models." [3] Such statements found their practical application in Li Ssŭ's Burning of the Books.

When law has thus been made the final arbiter of thought and morality, the qualifications of the persons composing the government, and even those of the ruler himself, become of comparatively little importance. For the laws, once fixed, provide an established machinery which functions independently of human foibles, and which will carry on the government with little fluctuation, regardless whether the ruler be a sage or a tyrant. As Han Fei Tzŭ says: [4]

"Disregarding laws and methods (*shu* 術), and relying upon his mind for government, even Yao could not put one state in order. Throwing aside square and compass, and measuring by his own incorrect ideas, even Hsi Chung [5] would be unable to complete a single wheel . . . If it were seen to that the ruler of ordinary

[1] Ch. 45 (*chüan* 15, pp. 4b—5b).
[2] Ch. 45 (*chüan* 17, pp. 33—34).
[3] Ch. 49 (*chüan* 19, p. 4).
[4] Ch. 27 (*chüan* 8, pp. 26—27).
[5] A noted wheelwright of antiquity.

ability kept his laws and methods, or that a clumsy craftsman kept his compass, square and measure, among ten thousand things there would be no error."

Law thus provides a fixed standard with which to measure human institutions, and in this way tends to prevent the nobles from committing excesses. Hence it may act directly for the benefit of the common people, as described in the following passage: [1]

"In governing a state, the rectification of clear laws and establishment of severe punishments is done in order to save the masses of the living from disorder; to get rid of calamities in the world; to bring about that the strong do not override the weak, and the numerous do not oppress the few; that the aged may complete their years, and the young and the orphaned may attain maturity; that the border regions are not invaded; that ruler and minister have mutual regard for each other, and father and son mutually protect one another; and that there are none of the calamities of death, destruction, bonds and captivity. Such indeed is the height of achievement."

Unfortunately, such humanitarianism was rarely the major interest of the Legalists. The fourth and third centuries B.C., during which the Legalists flourished, were characterized by the rise to power of a few highly autocratic state governments, which increased their influence on the one hand by external aggression, and on the other hand by curtailment of local feudal privilege within their own borders. To strengthen the power of the governments they served, therefore, was the chief aim of the Legalists. Law, consequently, they regarded primarily as an instrument of government useful for keeping the masses in subjection, and not as a means for bettering the lot of the common people. As Professor Duyvendak points out: "When we find the necessity for publishing the laws urged, it is not, as elsewhere, an expression of the popular wish to safeguard the people's rights and privileges for the future; on the contrary, it is the government itself that desires their publication as a safeguard of its own power." [2] Law, in other words, is established by the state (i.e., the state ruling class) for the state, and not by the people for the people.

The reasoning behind this is clear. Hsün Tzŭ had said that man's

[1] *Han-fei-tzŭ*, ch. 14 (*chüan* 4, p. 28).
[2] Duyvendak, *op. cit.*, p. 81.

nature is evil, but he had also said that man can be taught to do good. The Legalists accepted the first of these propositions, but not the second. There is no use, they said, in trying to teach people to be good, since men never act out of motives of altruism, but only from those of self interest. They act only to seek what gives them personal advantage and to avoid what does them injury. Since this is the case, men cannot be led toward goodness through suasion, but can only be forced toward it by a skilful utilization of their instinct of self interest. On the negative side this is to be done by making the laws so severe that no one will dare to break them, while on the positive side, obedience to the government's commands is to be gained by suitably rewarding persons who perform meritorious deeds on its behalf.

The universal desire for reward, and fear of punishment, the Legalists believed, would thus cause people to strive for good and to avoid evil. Such 'good' and 'evil', however, were not, for the Legalists, necessarily based on any ethical standards. Everything that served to build up a centralized and powerful state government was 'good'; everything that tended to weaken this government was 'evil'. The breach between law and ethics is here complete. [1]

What was the actual result of the application of such a system? It is difficult to answer definitely, but in the following interesting passage in the *Han-fei-tzŭ* we find a Legalist interpretation of what happened in Ch'in after Shang Yang introduced his system of rewards and punishments: [2]

"According to the customs of ancient Ch'in, both ruler and minister neglected the laws and paid their allegiance to private matters, for which reason the state was in disorder, its armies were weak, and therefore its ruler was lowly. Lord Shang advised Duke Hsiao of Ch'in to change the laws and modify the customs; to make clear (what should be) the standard of public conduct; to reward those who gave information about evil doing; to put difficulties in the way of secondary activities (i. e., commerce); and to make profitable the fundamental occupation (i. e., agriculture).

"The people of Ch'in at this time were accustomed to the ancient

[1] See pp. 41—42 for an example of the way in which Li Ssŭ attacked 'virtue', 'righteousness', 'wisdom', 'intelligence' and 'patriots', because these would hinder the activities of the state ruler. See also Duyvendak, *op. cit.*, pp. 89, 114—115.

[2] Ch. 14 (*chüan* 4, pp. 26—27).

usage, under which it was possible for a person who had committed a crime to obtain pardon, and for one who was without merit to obtain honor and renown. Therefore they lightly transgressed the new laws. Thereupon the punishment of those who transgressed was made heavy and certain, and the reward to informers was made liberal and reliable. As a result, there was no evil doing that was not seized, and persons suffered punishment in hordes; the people were full of hatred, and there were daily reports of crimes being committed.

"Duke Hsiao paid no attention to this, but continued to carry out the laws of Lord Shang. After this the people knew that those who committed crimes were bound to receive punishment, and there were large numbers of them who gave information about evil doings. As a consequence, none of the people made transgressions, and there was no occasion to apply the punishments. In this way the state was well governed, and so its armies were made strong; its territory was enlarged, and so its ruler was made honorable. The way in which this was achieved was by making the penalty for concealing a criminal heavy, and the reward for the informing of evil-doing liberal."

This belief in the necessity for severe laws is universal among the Legalists, and we find Li Ssŭ quoting with approval Han Fei Tzŭ's saying: "It is the affectionate mother who has the prodigal son, while the severe household is without fierce slaves," to which he adds himself: "What does this mean? It means that one should be able, in the application of punishments, to keep them definite." [1] Not only he, however, but many of the men prominent under Ch'in Shih-huang were ardent Legalists, and Chao Kao's proposal to Erh-shih is purely Legalistic: "Make the laws more severe and the punishments more rigorous. Command that when a man has committed a crime, punishment be meted out on a basis of mutual responsibility, and let this extend to include his clan." [2]

This concept of government through force rather than through suasion, through law rather than through *li,* was tirelessly attacked by the Confucians. Confucius himself says: "If you lead the people by administrative machinery (i.e., laws, penalties, etc.) and keep them in their station by punishments, they will avoid (the punishments) and will act without any sense of shame. But if you lead

[1] See p. 40. [2] P. 35.

them by personality (*te* 德) and keep them in their station by *li*, they will not only retain their sense of shame, but will also keep the rule." [1]

Hsün Tzŭ, too, maintains that laws, even though they may be good ones, cannot operate without adequate human leadership. "Laws," he says, "cannot stand alone, and cases treated by analogy cannot act of themselves. When they have the proper man, they survive; when they lack the proper man, they disappear. Law is the basis of good government, but the Princely Man is the origin of the law. Therefore when there is a Princely Man, the laws, though they may be sparing, succeed in being all-pervading. When there is no Princely Man, the laws, though they may be complete, lose their orderly enforcement; are unable to respond to the changes of affairs; and suffice only to bring confusion." [2]

Even today these objections hold considerable force, and the speedy collapse of the Ch'in empire gives them at least partial substantiation. In a highly centralized state like Ch'in, in which the people had for generations been trained only to obey the law, the mechanistic system of the Legalists might operate with success. When in 221, however, it was made general throughout China, its application was too sudden, the local traditions it had to face were too powerful, and the extent of the new empire was too vast, for the success of a Legalism unadulterated with any milk of human kindness, to be more than temporary.

The revolt of Ch'en Sheng and Wu Kuang against Ch'in is direct evidence of the fact that a law that is extremely harsh may through that very harshness defeat its own purpose. The biography of these men in the *Ch'ien Han Shu* tells us that because of a heavy rain which rendered their way impassable, they had been prevented from reaching on time a certain place to which they were leading their detachments of forced laborers. According to the law, the penalty for such tardiness was decapitation. Ch'en Sheng and Wu Kuang, after taking stock of the situation, therefore decided: "At present, absence means death and plotting also means death. Among the kinds of death, death for one's country is preferable!" And so saying,

[1] *Lun Yü*, II, 3.

[2] *Hsün-tzŭ*, beginning of ch. 12 (not translated by Dubs). See also chs. 14 (*chüan* 9, p. 15); 15 (*chüan* 10, pp. 21—22); and 9 (translation of Dubs, p. 123).

they began a revolt which soon became general, and thus led ultimately to the overthrow of the Ch'in empire. [1]

Never since that time has law loomed so large in Chinese political thought, and with the triumph of Confucianism in the Han dynasty, a government was evolved which was in many ways quite the opposite of any conceived by the Legalist thinkers. Learning, which the latter had tended to slight, was, through the institution of the examination system, made the chief means for gaining official advancement. Not law, but custom and personal judgment, were made the prime requisites for good government. As a consequence, disputes which, in the West, would normally go to the law courts, have in China usually been settled through arbitration within the clan or village group; or when they did reach the court, have been decided by the presiding official according to his own personal views on the case, rather than on the basis of some hard and fast law.

To us, brought up in the tradition of Roman law, anarchy would seem to be the natural result; yet such has hardly been the case. If corruption exists in China, it has also been known to exist in other countries, even those possessing the most elaborate law codes. If China has suffered from the lack of an adequate legal system, she has also been spared much of the enormous waste in time and money of the protracted lawsuits common in the West, as well as the farce and humiliation of seeing men who are known to be guilty, acquitted of their crimes on the grounds of a legal technicality.

The Confucians succeeded in China where the Legalists failed, because of their realization that the only lasting unity is one based upon homogeneity of ideas and culture, and not on a forced obedience to a common body of law. This homogeneity they gained through an exceedingly clever use of Confucianism as the basis of state government, coupled with a system of administration which though centralized, at the same time left to the locality and the individual a large measure of self rule. The result has been a remarkable evenness of civilization throughout a vast country, and a continuity of culture longer than that enjoyed by any other living nation. Can we say, then, that the work of the Confucians has been in vain?

[1] *Ch'ien Han Shu*, ch. 31, p. 1a.

3. METHODS

In the preceeding pages we have traced the evolution of the concepts of power (*shih*) and law (*fa*), the former already of some standing before the Legalists took it over, the latter, one which they made pecularly their own. A third important concept of the Legalists is what they called *shu* 術 or 'methods', meaning thereby the methods of statecraft by which the ruler was to maintain his authority over the ruled. Though the Legalists did not write so clearly about this as they did about law, its importance may be gathered from the fact that Han Fei Tzŭ considered it and law to be as mutually indispensable for the state as are food and clothing for man. [1]

The silence of the Legalists upon this subject may be explained by the fact that whereas law was something to be known and followed by all, methods were expressly stated to be used by the ruler alone. In Han Fei's own words: "As for methods (*shu*), they are to be concealed within the breast (of the ruler), for meeting the multitudinous roots (of things) and for secretly controlling the masses of ministers . . . This is why the intelligent ruler, . . . when he uses methods, does not allow even persons related to him by ties of love or those who are on intimate terms with him, to hear about them." [2]

These words have a definitely sinister connotation. They suggest secret spying, dark diplomacy, bribery, assassination and sudden death; in short, all the Machiavellian plottings by which the ruler is to maintain his position at the head of the state. Rule through such methods is a rule based on out-and-out opportunism. It is the complete opposite of *i* 義, the hard and fast social duties that should govern the relationships between ruler and ruled in the Confucian state. No wonder that the Legalists, despite their continual insistence on the necessity for methods, were reluctant to describe them clearly!

That Li Ssŭ was interested in such 'methods', we know from his biography, which states that as a young man he "became a follower of Hsün Ch'ing in studying the methods (*shu*) of emperors and

[1] See ch. 43 (*chüan* 17, p. 12).
[2] Ch. 38 (*chüan* 16, p. 15).

kings"; as well as from his enthusiasm for the 'methods' of Shen Pu-hai, the Legalist who had most emphasized *shu*.[1]

The way in which Ch'in Shih-huang adapted Li Ssŭ's own 'methods' is described in his biography as follows: "The King of Ch'in . . . listened to his plans, and secretly commissioned plotters bearing gold and precious stones to travel about and advise the feudal lords. They were liberally to reward (and thus) ally those of the feudal lords and the officers of note whose submission could be won by material lucre; as for those who were unwilling, these were to be stabbed with sharp swords. They were (also) to create rifts in policy between ruler and subject. The King of Ch'in moreover sent his able generals to follow in their rear." [2]

Besides such underhand plottings, however, 'methods' of greater philosophic interest also existed, and are described in the most detailed definition of *shu* we have in any Legalist writings: "Methods (*shu*) consist in awarding offices according to their responsibilities, and critically maintaining the actualities in accord with their names. They consist in keeping in one's hand the power of life and death, and in testing (by the results) the ability of one's ministers." [3]

Here we find a practical application to government of one of the most prominent of the philosophic concepts appearing during the Chou dynasty: that of the Rectification of Names. This concept, like many others, had first been formulated by Confucius, who believed that much of the disorder of his time could be attributed to the fact that the actualities of real life, and the names given to these actualities, were not in accord with each other. "Let the ruler be ruler," Confucius had said, "and let the minister be minister. Let the father be father, and let the son be son." [4] Each individual, in other words, should act toward his fellow men in exact accordance with what the name of the position held by him in society implies. The name, 'ruler', for example, carries with it certain connotations such as attentiveness to the needs of the people, kindliness, etc., which the ruler of real life should strive to live up to. Similarly with the other members of society, such as minister, father, son, etc. It will be noticed that these are all static notions in a static society,

[1] See pp. 12, 39.

[2] Pp. 14—15. For the way in which Ch'in applied 'methods' of this sort, see also *Mém. hist.*, V, 280.

[3] *Han-fei-tzŭ*, ch. 43 (*chuan* 17, p. 12).

[4] See p. 183.

and condemn all change. By Mencius this idea was expanded to mean that a ruler who does not act in accordance with the name of ruler, can no longer be regarded as such, and hence may be replaced by anyone powerful enough to overthrow him.

For Confucius, this Rectification of Names was confined wholly to social and ethical problems, whereas by many later thinkers, such as the Dialecticians, the Later Mohists and Hsün Tzŭ, it was given a much wider and more philosophical significance. World harmony, these later men believed, can exist only when an exact correspondence holds between *shih* 實 or 'actualities', that is, the qualities and concrete things of the physical world, and their *ming* 名 or names. The term, 'white horse', for example, can be applied only to those horses that possess this quality of whiteness, and to none other; otherwise not only the human, but the natural world, will be thrown into confusion. The connection made here between epistemology and ethics is exceedingly typical of Chinese thinking. The Rectification of Names is not, as it would be in the West, something to be done for the gaining of intellectual knowledge. It is done so as to preserve the harmony that should exist between the acts of man and the movements of nature, which the Chinese conceive of as being intimately linked together in a delicate equilibrium.

This doctrine of the Rectification of Names is closely connected with the belief, common among many early peoples, that names have an independent existence of their own in the world, and so hold within themselves certain magical properties. This might explain, for example, how, among some peoples, taboos in the use of certain names have grown up. [1]

With the Legalists, however, the problem of the Rectification of Names was once more restricted to government. Thus the *Kuan-tzŭ* states: "When names and actualities are in accord with each other, there is good government. When they are not in accord with each other, there is disorder." [2]

'Actualities', for the Legalists, meant primarily the acts performed by each individual while pursuing his duties, while 'names' meant the apellation given to the work or duties pertaining to this

[1] For the part which such beliefs have played in China, see the article by Hu Shih, *Ming Chiao* (The Cult of Names), in the *Hu Shih Wen Ts'un* (Collected Writings of Hu Shih), third series, vol. 1, pp. 91 f.

[2] Ch. 55.

individual. An exact correspondence must exist between the name of the position held by a man, the accomplishments actually performed by him while holding this position, and the claims made by him of what he can accomplish. For if such correspondence between name and actuality is not maintained, there can be no fixed framework within which the laws and other governmental machinery can operate. A passage in the *Han-fei-tzŭ* says: [1]

"When a ruler wishes to prevent wickedness, he examines into the correspondence between punishments and names, words and work. When a minister makes claims, the ruler gives him work according to what he has claimed, but holds him wholly responsible for accomplishment corresponding to this work. When the accomplishment corresponds to this work, and the work corresponds to what the man has claimed he could do, he is rewarded. If the accomplishment does not correspond to the work, nor the work correspond to what the man has claimed for himself, he is punished. Thus when ministers have made great claims, while their actual accomplishment is small, they are punished. This is not punishment because of the smallness of the accomplishment, but is punishment because the accomplishment is not equal to the name of it. And when ministers have made small claims, while the actual accomplishment is great, they are also punished. This is not because no pleasure is taken in the larger accomplishment, but because it is not in accord with the name given to it."

It will be noticed that in this passage, 'punishments' replace 'actualities' in the apposition to 'names'. This is because the Legalist doctrine of the Rectification of Names, in which a close correspondence is to be maintained between what the people are expected by the state to perform (the 'name'), and what they actually do perform (the 'actuality'), is intimately connected with the system of rewards and punishments. For as just stated, a man is not to be rewarded merely for doing a meritorious act. For him to gain reward, this act must be one which follows from a faithful performance of the duties demanded of him by the state, and which he has promised the state that he will do. In the same way with punishments. The state, in other words, establishes the 'names' as fixed standards, and then rewards or punishes the people according to whether they do or do not conform their 'actualities' to these names.

[1] Ch. 7 (*chüan* 2, pp. 11—12).

The length to which this idea could lead the Legalists is illustrated in two anecdotes recorded in the *Han-fei-tzŭ*.[1] According to the first of these stories, when King Chao-hsiang of Ch'in (306—251) was once ill, the people of each village offered an ox as a sacrifice for his recovery. On being urged to reward them for such solicitude, the King not only refused to do so, but imposed an extra tax on them instead, explaining that the offering of the oxen had been made by the people on their own responsibility, and that therefore they had been guilty of acting without orders. Not only this, however, but through this act they had shown love toward their ruler, and such love, if allowed to continue, would put an end to the discipline of the laws, and so lead to disorder. The Legalists, it will be remembered, believed in government through fear rather than through love.

On another occasion during the same reign, when Ch'in was suffering from a severe famine, the King was asked to give food to the people. Again he refused, with the reply: "According to our Ch'in laws, when the people have done something meritorious, they receive reward. When they have committed a crime, they receive punishment. At present to send forth vegetables and fruit from the five (imperial) parks, would be to reward both the people who have merit and those who are without merit, . . . which would be the way to disorder." Though these stories may be apocryphal, they are interesting illustrations of one extreme of Legalist thought.

We are not definitely told in Legalist writings what were the 'methods' to be used by the ruler for finding out whether the correspondence between names and their actualities was being maintained. One of them, no doubt, would consist of an elaborate spy system under the direct control of the ruler, who in this way could be informed as to whether or not officials and people were performing their proper duties. Another method may have been based upon Shang Yang's idea of liberally rewarding state informers, though Shang Yang himself, as we know, was more interested in law than in methods.[2] Still a third method, also originated by Shang Yang, may have been the clever policy of dividing the people, for administrative purposes, into small groups of five and ten people, within each of which all members were held jointly responsible by the government for any crime committed by one of their number.[3]

Though Li Ssŭ nowhere speaks specifically of the rectification

[1] Ch. 35 (*chüan* 14, pp. 7—10).
[2] *Han-fei-tzŭ*, ch. 43.
[3] See p. 166.

of 'names and actualities', [1] there is little doubt that he was fully aware of the importance of the problem. The suggestion made by him in 221, together with others, that the King of Ch'in in accordance with his new status as Emperor of all China, should replace the title of King by that of Great Sovereign, is a somewhat doubtful example of an attempt to rectify the names. [2] More positive evidence of Li Ssŭ's interest, however, is to be found in the long memorial, already often referred to, in which he impresses on Erh-shih the necessity for practising 'the methods (*shu*) of supervising (*tu* 督) and holding responsible (*tse* 責)'.

According to Han Fei's definition, quoted a few pages above, "Methods consist in awarding offices according to their responsibilities, critically maintaining the actualities (*shih*) in accord with their names (*ming*), . . . and in testing (by the results) the ability of one's subjects." Li Ssŭ means exactly this when he begins his memorial by saying: "The able ruler must needs be one able in his every act to carry out the methods (*shu*) of supervising and holding responsible . . . Thus the distinction between subject and ruler is made certain, and the (respective) relationships of superior and inferior made manifest . . ." [3] Supervising, in other words, means careful watching by the ruler over the acts of his subjects, in order to see that the latter are performing their proper duties. They are to be held strictly responsible for any delinquencies that occur, and are to be punished accordingly. In this way the respective duties of every one become clearly evident, or as Han Fei would say, the actualities are made to accord with their names.

The remaining part of Han Fei's definition of methods is that "they consist in keeping in one's hand the power of life and death." This is also a point much emphasized by Li Ssŭ in his memorial: [4]

"There is no other way for the intelligent ruler and Sage-king to remain long in a position of honor, to maintain long the major power, and to take sole possession of what is advantageous in the empire. It consists in passing judgment, and in supervising and holding responsible, all in one's own person . . . Therefore the intelligent ruler is one able . . . to hold the methods (*shu*) of the

[1] But see p. 18 and note 1, where Li Ssŭ uses the terms, 'actuality' and 'name', in apposition to each other.

[2] Pp. 77—78.

[3] P. 38.

[4] Pp. 41—43.

ruler in his own hands alone . . . Therefore it is said that the Way of the King consists in maintaining restraint and keeping things easily in hand. It is only the intelligent ruler who is able to follow this, and it is when conditions are like this that there may be said to be supervision and holding responsible."

"Therefore," Li Ssŭ concludes, "when the methods (*shu*) of supervising and holding responsible are instituted, there is nothing wished for that is not obtained, officials and the hundred clans have no way of remedying their wrongs, and what disturbances can they then dare to plan? Under these conditions the Way of the Emperor is made complete, and one may be said to understand the methods (*shu*) of ruler and subject." [1]

As one Chinese scholar has already pointed out, this memorial was more than a mere pandering by Li Ssŭ to Erh-shih's weaknesses, and represents an integral part of Li Ssŭ's political thought. [2] That the ideas expressed by him here were in theory, at least, recognized during Ch'in Shih-huang's reign, is indicated by the way in which the latter twice proudly described the Ch'in dynasty as an age when, unlike antiquity, 'actualities' had at last been put in strict accordance with their names. [3]

4. UTILITARIANISM

Utilitarianism, like authoritarianism, forms a link between the Legalists and the Mohists, just as it constitutes another point of difference between the Legalists and the Confucians. For the Legalists, nothing was of any value that would not add to the efficiency, strength and wealth of the state, and hence they ruthlessly opposed any cultural activities that lay outside this goal.

The Confucians, on the contrary, were humanists and idealists (in the ordinary, not the philosophical, sense of that word), who placed much emphasis upon the need for developing certain virtues; were believers in the value of education and of such cultural activities as music; and who advocated elaborate mourning and sacrificial rites both as a catharsis for the emotions and as a way of enriching man's everyday drab existence. This does not mean

[1] P. 43.

[2] See Chiang Yün-kang, *Li Ssŭ ti Cheng-chih Ssŭ-hsiang* (Li Ssŭ's Political Thought), sect. II, 4, in the *Tung Fang Tsa Chih*, vol. 31, no. 1 (Jan., 1934).

[3] See *Mém. hist.*, II, 151, 188.

that the Confucians were indifferent to such purely economic measures as would improve the life of the people. It simply means that in addition to such measures, they believed in the practice of certain virtues solely for the sake of these virtues themselves, and not for the sake of any personal material benefits to be derived thereby. To the man who practised these virtues, they would say, such benefits would doubtless accrue in due course, but they were not in themselves to be the sole goal of human conduct.

Illustrative of this attitude are the words of a contemporary of Confucius, who once asked concerning him: "Is he not the one who knows he cannot succeed, and yet keeps on trying to do so?" [1] Famous, too, are the opening words of the conversation between Mencius and King Hui of Liang. [2] "Venerable sir," said the King, "since you have not counted a thousand *li* too far to come, may I presume that you also have something that can profit my state?" "Why," replied Mencius, "must Your Majesty necessarily use that word 'profit'? What I also have are the topics of benevolence (*jen* 仁) and right conduct (*i* 義), and nothing more."

The attitude of Confucius and his followers toward cultural matters gives a valuable indication of their social origin. It reveals them as men who came for the most part from the middle or upper strata of society, so that they were well versed in all the cultural amenities of life. Mo Tzŭ, on the other hand, was a thinker of a completely different stamp. A man of obscure and perhaps humble origin, extremely simple and almost ascetic in his own life, he was completely indifferent to cultural things *per se*, and is an excellent exemplification of the severe, rather humourless type of puritanism often to be found in the religious leader. The music and elaborate ceremonials of the Confucians he attacked as an economic waste, and his denunciation of war is based more on economic than on ethical grounds. Virtue, he believed, is not only a good thing in itself, but is also good because it will bring material benefit to the one who practises it. Of the Will of Heaven, for example, he said that it should be obeyed not only because it is morally right to do so, but because Heaven will bestow reward upon those who obey it. Even his most famous doctrine, that of universal love, is founded on the utilitarian thesis that when everyone loves every-

[1] *Lun Yü*, XIV, 41.
[2] *Mencius*, Ia, 1.

one else, each individual will thereby receive a personal benefit.

The contrasting attitude of Confucians and Mohists on utilitarianism can be seen in a little story from the *Mo-tzŭ*: [1]

"Mo Tzŭ asked a Confucian, saying: 'What is the reason for performing music?' The reply was: 'Music is performed for music's sake.' [2] Mo Tzŭ said: 'You have not yet answered me. Suppose I asked,—Why build houses? And you answered,—It is to keep off the cold in winter, and the heat in summer, and to separate men from women. Then you would have told me the reason for building houses. Now I am asking,—Why perform music? And you answer,—Music is performed for music's sake. This is like saying,—Why build houses? And answering,—Houses are built for houses' sake.' "

The Confucians countered to these arguments by pointing out that cultural activities, because they give relaxation and recreation, are as important to man as are purely utilitarian ones. "Sir," they objected, "you say the Sage-kings did not have music . . . This would be comparing them to the horse placed under yoke and never released, or the bow drawn and never unstrung. Is this not impossible for any being having blood and breath?" [3] To such an argument Mo Tzŭ failed to give any adequate reply.

The growing political disorder of the succeeding centuries, however, led to an ever increasing emphasis upon the immediately useful and practical, rather than on abstract virtues, and so furthered utilitarianism, as against Confucian idealism. By the followers of Mo Tzŭ, for example, utilitarianism was given a psychological basis and made the standard for morality. According to these Later Mohists, as Dr. Fung Yu-lan remarks, "What we like is the beneficial; what we dislike is the harmful. Therefore to move toward what is beneficial and to avoid what is harmful is spontaneous in man's nature, and hence utilitarianism becomes the proper basis of human conduct." [4] As the same scholar points out immediately below, such a doctrine comes close to the utilitarianism of Bentham.

By the Legalists, this utilitarian attitude was eagerly adopted. The Later Mohists had stated that "the beneficial is that the obtain-

[1] Ch. 48 (Mei's translation, p. 237).

[2] There is a play on words here. The word 樂 means both 'music' and 'joy', so that the sentence may also be translated: "Music is performed for the sake of joy."

[3] *Mo-tzŭ*, ch. 7 (Mei, p. 28).

[4] Fung Yu-lan, *A History of Chinese Philosophy*, Bodde's translation, I, pp. 249.

ing of which gives pleasure"; and "the harmful is that the obtaining of which is disliked." [1] The Legalists developed this idea and made it, through their system of rewards and punishments, the basis of government. As Han Fei Tzŭ says: "All ruling of the world must be done by acting according to human sentiments. In human sentiments there are the feelings of like and dislike, and hence rewards and punishments may be employed. When rewards and punishments may be employed, interdicts and commands may be established, and the way of (good) government is completed." [2]

There is a difference, however, between the utilitarianism of the Legalists and that of the Later Mohists. The latter, though putting much emphasis on utility, never completely divorced it from moral standards. The mere fact that the beneficial becomes for them the standard of morality, does not mean that morality as such is to cease, for the practice of the virtues, they believe, will still be found to be the best policy, not only for others but for oneself. It only means that these virtues are no longer to be unquestionably accepted as of absolute good in themselves, but are to be judged and weighed (*ch'üan* 權) according to their practical results. Right conduct (*i* 義), for example, is still an important virtue with the Later Mohists, but it is no longer something which can be practised for its own sake without any regard for its effects. "Right conduct," they said, "is benefit (*li* 利)." [3] In other words, a deed which does not produce a concrete benefit, cannot be properly described as a right one. And in the same way they treated the other virtues.

The Legalists, on the other hand, when they spoke of moral virtues at all, usually did so either in slighting terms, or demanded their abolition entirely on the grounds that their operation would hinder the government of the state. As Li Ssŭ himself states, the ruler should "obliterate the path of 'virtue' and 'righteousness', . . . hinder the activities of the 'patriots', and bottle up 'wisdom' and 'intelligence'," so that in this way he may "not be overthrown by the action of the 'virtuous' and 'righteous' patriots." [4] As has already been pointed out, 'good' and 'bad' did not mean for the Legalists the usual moral qualities, but were only such things as

[1] *Mo-tzŭ*, ch. 40 (Forke's translation, pp. 418, 419).
[2] Ch. 48 (*chüan* 18, p. 21).
[3] *Mo-tzŭ*, ch. 40 (Forke, p. 415).
[4] See p. 42.

would respectively benefit or injure the centralized power of the state.

This emphasis upon what would benefit the state, explains the anti-cultural tendencies of the Legalists, who like the Mohists, measured all things only according to their efficiency and practical value, and hence opposed such cultural activities as would divert the attention of the people from the fundamental occupations that would build up a rich and powerful government. For this reason the Legalists placed much emphasis on agriculture, which they regarded as the basis of the state's wealth, and on the building up of the army, which was the basis of its power. This is also why they tried to repress: first, the merchants, because while these did not do any productive labor themselves, they amassed fortunes which constituted a danger to the state's authority; and secondly, the idle scholars, who were fed at the expense of the state, but who, by their debates, served only to awaken distrust in it.

It is interesting in this connection to note that almost the only common ground between the Legalists and the Confucianists (particularly those of Han and later times) was their mutual furtherance of agriculture and repression of commerce. In this respect it is quite probable that the Confucianists have borrowed from the Legalists. But whereas the Legalists followed this policy in order to enrich the state, as a political organization, the Confucianists followed it because of the injury they saw being done to the peasants by the great merchants of the Han dynasty, and because, by this time, the Confucianists had become representative of the main stream of the culture of China, a country which has always been predominantly agricultural.

The realistic and utilitarian attitude of the Legalists is well summed up in a passage in the *Han-fei-tzŭ*: [1]

"What are mutually incompatible should not co-exist. To reward those who kill the enemy, and at the same time praise acts of mercy and benevolence; to honor those who capture cities, and at the same time believe in the doctrine of universal love; to improve arms and armies as preparation against emergency, and at the same time to admire the flourishes of the officials at the court; [2] to depend on agriculture to enrich the nation, and on the soldiers to resist the enemy, and at the same time encourage men of letters: . . . strong

[1] Ch. 49 (*chüan* 19, pp. 11—12).

[2] 薦紳 is here equivalent to 搢紳.

government will not thus be gained. The state in time of peace feeds the scholars and knights-errant, but when difficulty arises it makes use of its soldiers. Those whom it benefits are not those whom it uses, and those whom it uses are not those whom it benefits . . . What is today called wisdom consists of subtle and speculative theories, theories which even the wisest have difficulty in understanding . . . Now in ordering current affairs, when the most urgent needs are not met, one should not concern oneself with what is of no immediate bearing . . . Therefore, subtle and speculative theories are no business of the people."

The logical culmination of such a policy was the Burning of the Books in 213. Li Ssŭ, in his memorial on the subject, complains that though China has at last been unified, "yet there are those who with their private teachings mutually abet each other, and who discredit the decrees of laws and instructions. When they hear orders promulgated, they criticize them in the light of their own teachings . . . To cast disrepute on their ruler they regard as a thing worthy of fame; to accept different views they regard as (high) conduct; and they lead the people to create slander. If such conditions are not prohibited, the imperial power will decline above, and partizanships will form below. It is expedient that these be prohibited." [1]

The remedy, as Li Ssŭ points out in his conclusion, is to make education a matter of state control: "As for persons who wish to study, let them take the officials as their teachers." In other words, let them study only those things approved of by the state and which will be materially useful to the state. Li Ssŭ's anti-cultural attitude on the one hand, and his demand for the useful and practical on the other, is shown by the fact that works of literature, the *Shih,* the *Shu* and the discussions of the various philosophers were specifically named by him for destruction, whereas books on medicine, pharmacy, agriculture and arboriculture were spared. [2]

5. THE LEGALIST CONCEPT OF HISTORY

One point which differentiates the Legalists very markedly from all the other schools of their time, is their concept of history. In

[1] See p. 23.

[2] Books on divination were also exempted, but this was probably a concession to the superstitious tendencies of Ch'in Shih-huang, for whom books that would help to foretell the future would also no doubt seem very 'useful'.

China, as in few other countries, tradition has played an enormous role, and already in the Chou dynasty the force of this tradition was strongly felt. Thus among all the philosophic schools of this period, with the exception of the Legalists, the belief was strong that during some period of remote antiquity there had existed a golden age of peace and happiness for all men. The exact time and character of this golden age varied, to be sure, according to the school. For the Confucians and Mohists it was particularly associated with the Sage rulers, Yao, Shun and Yü, whereas by the Taoists it was pushed back to an earlier indeterminate period, before organized human society and government had yet been instituted, and when man still lived in a state of nature.

Despite these differences, all schools agreed that the existence of this golden age was a fact, and that history, since that time, had witnessed a continuous process of human degeneration, reaching its culmination in the Warring States period. The problem of the day, therefore, was not how to try to make reforms with a view toward meeting the probable conditions of the future, but how to turn men back toward this golden antiquity which was their heritage. The reason for the present degeneration, it was believed, was not any fundamental change in man himself, but primarily a forgetting on his part of certain basic truths. Once the consciousness of these truths had been restored, the idyllic days of antiquity would automatically return. The best way to restore such a consciousness seemed to be through quoting and expounding the words of the ancients by whom these basic truths had first been proclaimed and practised, a fact which helps to explain the persistence with which the thinkers of the Warring States harp upon the words and actions of the ancient Sages.

Excluding the Legalists for the moment, Hsün Tzŭ seems at first sight to be the only important thinker who did not share this general belief in antiquity. [1] Unlike the other philosophers, who were ever looking back to the 'early kings' for their authority, he urged on numerous occasions that it was the 'later kings', and not the early ones, who should be followed. Speaking of the ideal government, for example, he said that "its methods should not differ from those of the later kings." [2]

[1] See Yao Shun-ch'in, *Ch'in Han Che-hsüeh Shih* (A History of the Philosophy of the Ch'in and Han Dynasties), p. 17.

[2] Ch. 9 (translation of Dubs, p. 131).

Such a statement would seem to imply a realization of the principle of change, a realization, in other words, that the world is ever in a state of flux, and that there is therefore no use in looking back to a hoary antiquity for ways with which to rule the present world. Actually, however, exactly the opposite is the case. The universe, for Hsün Tzŭ, is not one of change. On the contrary, it is something static and uniform, in which the many are like the one, and past is like present. In Hsün Tzŭ's own words: "Abandoned and incorrigible people say: Ancient and present times are different in nature; the reasons for their order and disorder differ . . . But why cannot the Sage be so deceived? I say it is because the Sage measures things by himself. Hence by himself he measures other men; by his own feelings he measures their feelings; by one kind he measures other kinds . . . Past and present are the same. Things that are the same in kind, though extended over a long period, continue to have the self-same principles." [1] And to this last anti-evolutionary statement, Hsün Tzŭ's commentator, Yang Liang (ninth century A.D.), adds: "The oxen and horses of today are not different from those of antiquity. Why then should it be only when we come to man, that there should be a difference?"

Hsün Tzŭ's insistence on following the later rather than the early kings is therefore not based on any belief that the world has changed. On the contrary, it is precisely because the world has not changed that it is still possible to find the principles of the early kings preserved among the later ones. To these we should therefore go for inspiration, since the early Sages are already too far removed from us to be studied satisfactorily. As Hsün Tzŭ himself says: "When rites are too ancient, their form becomes obliterated. When music is too ancient, its details are lost . . . Hence it is said: If you wish to see the footprints of the Sage-kings, then look where they are most clear, that is to say, at the later kings." [2]

Against this conception of history as something static and forever fixed, the Legalists maintain that change is inevitable in the world. In a way that is very modern, they argue that there are no universal moral standards, but that everything is conditioned by its own immediate environment: "The men of old did not till the fields, for the fruits of plants and trees were sufficient for food.

[1] Ch. 5 (Dubs, pp. 73—74). In this translation I vary somewhat from Dubs.

[2] *Ibid.*, p. 72.

Nor did the women weave, for the skins of birds and animals were enough for clothing. Without working there was enough to live on, there were few people and plenty of supplies, and therefore the people did not quarrel. Hence neither large rewards nor heavy punishments were used, and the people were naturally in good order. But nowadays people do not consider a family of five children as large, and, each child having again five children, before the death of the grandfather there may be twenty-five grandchildren. The result is that there are many people and few supplies, and that one has to work hard for a meagre return. So the people fall to quarreling, and though rewards may be doubled and punishments heaped up, one does not escape from disorder." [1]

Since environment is thus the determinator of human conduct, and this environment is never the same, there is no use in studying the principles of the ancients. By urging men to follow the later kings, Hsün Tzŭ had simply substituted a later authority for an earlier one. The Legalists go one step further and insist that only the exigencies of the immediate present situation should be considered when one acts: "Former generations did not follow the same doctrines, so what antiquity should one imitate? The emperors and kings did not copy one another, so what rites should one follow? . . . As rites and laws were fixed in accordance with what was opportune, regulations and orders were all expedient, and weapons, armor, implements and equipment were all practical. Therefore I say: There is more than one way to govern the world and there is no necessity to imitate antiquity in order to take appropriate measures for the state." [2]

This principle is all the more imperative, since even when people do attempt to imitate antiquity, no one ever agrees as to what this antiquity was, with the result that the attempt makes confusion more confounded:

"The notable scholars of the world are the Confucians and Mohists. The Confucians originated with K'ung Ch'iu (Confucius), and the Mohists originated with Mo Ti . . . Following K'ung and Mo, the Confucians have divided into eight groups, and the Mohists have separated into three. What these accept and reject is mutually contradictory, yet they all say that they represent the true K'ung and

[1] *Han-fei-tzŭ*, ch. 49 (*chüan* 19, p. 2).

[2] *Book of Lord Shang*, ch. 1 (Duyvendak's translation, pp. 172—173).

Mo. Since K'ung and Mo cannot come back to life, who is there to settle what are to be the (correct) studies for later generations?

"Confucius and Mo Tzŭ both followed Yao and Shun, yet what they accepted and rejected differs. They both said that they represented the true Yao and Shun, and yet since Yao and Shun cannot come back to life, who is there to determine between the Confucians and Mohists which is right." [3]

It is in this relentless opposition to traditional authority of any kind, and in their ability to move with and adapt themselves to the social, political and intellectual currents of their time, that the Legalists show themselves in closest affinity with the scientific and evolutionary spirit of the present day. Perhaps it was this very ability that explains, despite all their one-sidedness and harshness, the extraordinary, if but ephemeral, success which they enjoyed. At any rate, there is no doubt that it explains why they suffered the enmity of almost all of the other thinkers of their day. Every one of their innovations, such as the movement toward a centralized power as opposed to feudalism, and law, instead of traditional morality or *li,* innovations which bore their fruit in the unification of China in 221 and in Li Ssŭ's reforms, was the target of unending criticism from these other schools, and especially from the Confucians and Mohists. No wonder, then, that eight years after this unification of China had been completed, when the demand was made by a certain scholar that feudalism be reestablished, Li Ssŭ replied angrily:

"The Five Emperors did not each copy the other. The Three Dynasties did not each imitate the other. It was not that in their government they each turned themselves away from the others, but was because of the changes in the times . . . Formerly when the feudal lords were at war with one another, they had a regard for the travelling scholars, whom they summoned about them. Now the world has been pacified; laws and ordinances issue from one source alone; . . . and the scholar class studies the laws and ordinances . . . However, there are some who do not model themselves upon the present but study the past, in order to criticize the present age. They excite and confuse the black headed ones." [2]

It was in order to keep state control over the ancient records which made such study of the past possible, that the Burning of the Books was ordered.

[1] *Han-fei-tzŭ,* ch. 50 (*chüan* 19, pp. 20—21).

[2] See pp. 81—82.

6. TAOISM AND LEGALISM

Very little has thus far been said about Taoism, save that form represented by the searches for the elixir of life which so fascinated Ch'in Shih-huang. This is quite understandable, for Legalism, in most respects, was the complete opposite of everything Taoist. Legalism comprised a rigid and exact system of government that left no scope to the individual for independent action. Under it, the latter did not act for himself as an individual, but existed merely as an integral part of the machine that made up the state, by which even his smallest acts were to be judged and moulded.

Taoism, on the other hand, was a philosophy of complete *laissez-faire*. Originally, so the Taoists believed, there had been a time when no government or human society had yet been formed, and when every man lived in a state of nature. At this time all men lived at peace with one another, not because they were consciously striving to do so, but because they were living in complete harmony with what the Taoists termed the *Tao* 道 or Way, which is what we today would call Nature. Unconscious of any standards of right or wrong, they simply acted as it was natural for them to act, which means, say the Taoists, that they pursued the only genuine right. No one tried to tell anyone else what to do, and there were no prohibitions or restrictions. Everyone was completely tolerant of everyone else. Hence there were no jealousies, no criticisms and no conflicts.

But later, when human society developed, the idea of right and wrong came into being. In the name of this society certain individuals tried to impose ideas of what they thought to be right upon other people, and thus conflict arose. At the same time people began to talk about certain virtues; but the very fact that these virtues were being discussed, was evidence that their evil opposites had made their appearance in the world, and that the ancient state of oneness with Nature, in which nothing was either good or bad, had been lost. As Lao Tzŭ says: "It was when great *Tao* declined that human 'benevolence' (*jen* 仁) and 'righteousness' (*i* 義) arose . . . It was when the six relations (of father and son, husband and wife, elder and younger brother) were no longer harmonious, that filial piety and maternal affection appeared. It was when the country fell into dark disorder that there were loyalty and faithfulness." [1]

[1] *Tao Te Ching*, ch. 18.

Civilization, with its forced conformity to an artificial man-made standard, continued its corrupting influence until man's former purity of nature had been completely lost. Interference bred interference, and attempts to improve matters through substitution of the hard and fixed legal standards of the School of Law in place of the Confucian virtues, only added to the confusion. As Lao Tzŭ says again: "The more restrictions and prohibitions there are, the poorer the people will be . . . The more laws there are promulgated, the more thieves and bandits will there be." [1]

Such was the Taoist indictment of human society. Yet despite this opposition to organized government, there was one group of Taoists who conceded to the demands of their age, and evolved a political philosophy which is best exemplified in Lao Tzŭ's *Tao Te Ching*. [2] It is with some of this philosophy, later taken over by the Legalists, that we are immediately concerned.

Taoism has influenced Legalism in two main aspects. The first is in the Taoist conception of *wu wei* 無爲, often translated as 'non-doing' or 'non-activity'. Actually the term does not mean a complete negation of action, but only avoidance of all action which is not in accord with the *Tao*, or, in other words, with the natural. It thus elimates from action all forms of self assertion and interference, and relegates conduct only to what is spontaneous and unpremeditated. When all conduct follows this principle, say the Taoists, no form of government becomes necessary, and though nobody then tries consciously to achieve anything, yet all things become peaceably and naturally accomplished, with the inevitability of the movements of nature.

This concept of *wu wei* was adopted with modifications by the Legalists into their political philosophy. It will be remembered that law, for the Legalists, represented something as fixed and infallible as the compass or scales, and of infinitely greater importance than the men who used the law. Once this law was properly established, they maintained, it would provide a machinery for government which would operate under all circumstances, regardless of the human element behind it.

[1] *Tao Te Ching*, ch. 57.

[2] The perplexing question of whether or not 'Lao Tzŭ' is a definite historical person, need not detain us here. It is sufficient that his brief work represents one definite school of Taoism, and belongs probably to the third century B.C. See Fung Yu-lan, *op. cit.*, pp. 170 f.

It is easy to see how from this conception arose the belief that when the machinery of government had once been established and put in motion, it would run of itself without need for further human supervision. This idea, as adopted by some of the Legalists, divested the ruler of all the power that he, as head of the state, theoretically possessed, and made of him a mere puppet who no longer actually ruled, but sat motionless upon his throne, following the principle of *wu wei,* while through the machinery of his goverment everything would be automatically accomplished of itself. The Legalists who went to such an extreme committed the fatal error of forgetting that all governmental machinery, no matter how perfect and elaborate, requires a certain human motive power for its operation and guidance. Their belief is comparable to that of persons who suppose that by building a very complicated and elaborate piece of machinery, they can obtain perpetual motion.

Though this conception of *wu wei* was prominent among some of the Legalists, it seems to have played little part in Li Ssŭ's own thinking, which was far more influenced by the Taoistic opposition to culture. The Taoists, as already stated, regarded human institutions as corrupting, and all the appurtenances of civilization, such as comforts, luxuries and the arts, as the arousers of desire, and hence instigators of strife.

The way to avoid this strife, then, is to reduce human institutions and artificial man-made products to a minimum, and to lead a life of the utmost simplicity. But if man is to remain content with this simplicity, he must be kept in ignorance of the products and the sophisticated ways of living which arouse human desire. The Taoists would have cited as an illustration of what they mean, the case of some primitive tribe which for untold centuries has lived a life of simple contentment in isolation from the rest of the world, quite unconscious of the fact that the ground beneath its feet contains untold treasures of mineral wealth. Then one day imperialistic and highly 'cultured' nations, learning of the existence of this wealth, come and wage wars for its possession, dispossess the tribe of its ancient heritage, decimate it, and finally virtually destroy it with all the corrupting influences of modern 'civilization'.

It would be along lines such as these that the Taoists would argue against knowledge and sophistication, which they universally opposed. "Banish wisdom, discard knowledge," says Lao Tzŭ,

"and the people will be benefited a hundredfold." [1] Again he points out that "there is no disaster greater than not knowing contentment with what one has; no greater sin than having desire for acquisition. Therefore he who knows the contentment that comes simply through content, will always be content." [2] The true Sage is one who realizes this fact and therefore "desires what is undesired, and sets no store by products difficult to get." [3]

The first duty of such a Sage, consequently, should he happen to be ruler, is to see that the people are kept ignorant, so that they will have no desire for such 'products difficult to get'. As Lao Tzŭ says: "If we do not exalt the 'worthies', the people will no longer be contentious. If we cease to set store on products that are difficult to get, there will be no more thieves. If the people never see such things as excite desire, their hearts will not be confused. Therefore the Sage rules the people by emptying their minds, filling their bellies, weakening their wills, and toughening their sinews, ever making the people without knowledge and without desire." [4] And again: "The difficulty of ruling the people is commensurate to the amount of their knowledge. Therefore those who rule by giving knowledge, are the despoilers of their state. Those who rule without giving knowledge, are the state's good fortune." [5]

These principles, especially the one that the people can most easily be governed if they are kept in ignorance, were eagerly seized upon by the Legalists. The Legalist state economy, it will be remembered, was based upon an industrious farmer class on the one hand, and a powerful army on the other. Since both farming and warfare are laborious and poorly rewarded occupations, however, the people will no longer follow them contentedly once they are given knowledge of more enjoyable ways of life, which must therefore be witheld from them. As one Legalist writer puts it: "If music and fine clothing do not penetrate to all the districts, the people, when they are at work, will pay no attention to the latter, and, when they are at rest, will not listen to the former. If, at rest, they do not listen to the one, their spirits will not become licentious, and if, at work, they pay no attention to the other, their

[1] *Tao Te Ching*, ch. 19.
[2] Ch. 46.
[3] Ch. 64.
[4] Ch. 3.
[5] Ch. 65.

minds will be concentrated." [1] The same writer remarks later: [2]

"A Sage knows what is essential in governing a country, and so he induces the people to devote their attention to agriculture. If their attention is devoted to agriculture, then they will be simple, and being simple, they may be made correct . . . Indeed, the people will love their ruler and obey his commandments even unto death, if they are engaged in farming from morning to evening. But they will be of no use, if they see that glib tongued itinerant scholars succeed in being honored through serving the ruler, that merchants succeed in enriching their families, and that artisans have plenty to live upon. If the people see the comfort and advantage of these three walks of life, they will certainly shun agriculture . . . and will not protect (their homes) and fight for their ruler."

It is noteworthy that the word *p'u* 樸 (literally, 'the uncarved block'), which is one of the most important technical terms of the Taoists, occurs in the second sentence of the preceding quotation, where it has been rendered as 'simple'. The *Tao Te Ching* uses this word several times when referring to the state of uncorrupted simplicity that man had enjoyed before he was contaminated by knowledge and desires. For example: "When Simplicity (*p'u*) is scattered, it is made into implements," that is to say, it becomes transformed into all the material trappings of civilization. [3] The *Han-fei-tzŭ* contains a passage which speaks of it in similar terms, though from a Legalist viewpoint: "In an age of perfect tranquility, the law is like the morning dew, and pure Simplicity (*p'u*) has not been scattered. There are no resentments crystallized in the heart, and no wrangling words in the mouth." [4]

Both Taoists and Legalists thus agree that *p'u* or Simplicity is the ideal condition for the people. The former, through the very nature of their philosophy, were usually recluses who rarely had a chance to put their ideas into practice, but the latter, being professional politicians, had unrivalled opportunities. To what extent, then, we may ask, were they successful with the policy in question?

Perhaps the best answer lies in Hsün Tzŭ's account, already

[1] I.e., they will stick to their proper occupations of farming or soldiering. This passage occurs in the *Book of Lord Shang*, ch. 2 (Duyvendak's translation, p. 178).

[2] *Ibid.*, ch. 3 (Duyvendak, pp. 192—193).

[3] Ch. 28. See also chs. 15, 19, 32, 37, 57.

[4] Ch. 29 (*chüan* 8, p. 34). See also Duyvendak, *op. cit.*, pp. 86, 88—89, on *p'u* and the Legalists.

quoted in our first chapter, of what he saw when he visited Ch'in. The whole tenor of this description suggests a people who are simple, uneducated, obedient to authority and easily led, and he concludes with a lament that in Ch'in there are almost no scholars of the Confucian type. Two of his remarks are especially noteworthy. "When I. . . . observed its customs," he says, "I saw that its people are simple and unsophisticated. Their music is not corrupting or licentious, and their clothing is not frivolous." [1] How suggestive this is of the ideals of both Taoists and Legalists, especially when we find that the phrase, 'simple and unsophisticated', is a translation of the same Taoist word, *p'u* or Simplicity!

Though the goal of Taoists and Legalists was so nearly identical, their purposes widely differed. The Taoists wished to do away with civilization entirely, and hence the state of Simplicity was held as the ultimate goal for literati as well as for common people. The sole difference was that the people were to be unconsciously led to this goal through a policy of deliberate obscurantism, whereas the men who already had education were to reach it through superior insight and a conscious discipline of self-cultivation. [2]

The Legalists, on the other hand, show once more their characteristic difference from other schools, by their emphasis upon what concerns the state (that is, the state ruling class). The people are to be made ignorant, they would say, not because of any benefit this will bring to them as individuals, but simply because it will make them easy to govern, and will keep them contented while they labor at the 'fundamental' occupations of agriculture and war, so important for the state's welfare. Hence of the Taoist suggestion that the ruling class should also bring themselves to this blessed condition of simplicity, the Legalists make no mention.

The anti-culturalism of the Legalists, in fact, is more than pure Taoism. It is a combination of Taoist naturalism and Mohist utilitarianism, tinctured with the realistic motivation of Legalism itself, and as such is something much harsher than anything the Taoists, with their belief in *laissez-faire,* had ever contemplated.

The application of this policy in Ch'in, a state which had always been culturally backward and isolated from the rest of China, was highly successful, if judged by Legalist criteria. Less successful

[1] See above, p. 9.
[2] See Fung Yu-lan, *op. cit.,* pp. 189 f.

was Li Ssŭ's attempt, through the Burning of the Books, to make it universal. Done, as Ssŭ-ma Ch'ien observes, "for the purpose of making the people ignorant," [1] this act only helped to inspire the recovery of the classics in the Han dynasty, and the permanent enshrinement of learning in China. Even Li Ssŭ's immediate aim, that of destroying the philosophical schools that were not subservient to his government, was not wholly successful. With the establishment of the Han dynasty, several of them revived, and only disappeared again when a far more subtle means than book burning was instituted for bringing about intellectual conformity: that of making Confucianism the orthodox philosophy for the educated classes, and the chief means for gaining entry into official position.

[1] See p. 24.

CHAPTER XI

TYPES OF REASONING IN LI SSŬ

Now that we have completed our survey of the philosophic background of Legalism and seen how it reached its logical culmination in Li Ssŭ's reforms, it may be of interest to turn for a moment and study the types of argument which were used by Li Ssŭ to win acceptance for these ideas. Anyone reading his speeches and throne memorials will, I think, be struck not only by their great clarity, directness and vigor, but also be convinced that Li Ssŭ must have had a remarkably magnetic and forceful personality. Most of these speeches, of course, since Li Ssŭ was primarily a statesman rather than a writer, are simple statements of fact, suggestions of policy, or exhortations couched in oratorical style, and do not contain any principles of formal reasoning. Some, however, reveal types of argument which are interesting not only because they are used by Li Ssŭ, but because they are characteristic, to a considerable extent, of Chinese thinking in general.

The first of these types of reasoning may be called the argument by historical precedent. In other words, it is the use of historical persons or incidents as illustrations for the immediate point to be proved. Several examples of this type of reasoning are to be found in Li Ssŭ's speeches and writings. His memorial opposing the decree for the expulsion of aliens, for example, opens with a detailed account of how four earlier rulers of Ch'in attained greatness primarily through their employment of alien counsellors. [1] Another example occurs in his debate with Chao Kao, in which he opposes the latter's proposal to make Hu-hai Emperor in place of the legitimate Crown Prince, Fu-su. "I have heard," says Li Ssŭ, "that when Chin changed its crown prince, for three generations there was no peace. Huan of Ch'i contested for the throne with his brother, and his body when he died was desecrated. When Chou

[1] See pp. 15—17.

killed his relative and did not listen to those who remonstrated, the country became a desert waste, and finally its altars of the soil and grain fell into danger." [1]

A similar use of historical precedent occurs in the memorial in which Li Ssŭ warns Erh-shih against Chao Kao's machinations, by listing three notorious usurpers of the past whom Chao Kao resembles in his actions. [2] Still another example of historical reference, though not, to be sure, used for purposes of argument, occurs after he had been thrown into prison, when he laments: "Alas! For an unprincipled ruler, how can one make any plans? Of old, Chieh killed Kuan Lung-feng; Chou killed the King's son, Pi Kan; and Fu Ch'a, King of Wu, killed Wu Tzŭ-hsü. How were these three ministers not loyal? Yet they did not escape death." [3]

Argument through historical precedent is, of course, not peculiar to China. What distinguishes it in China is the extreme frequency with which it is used, [4] and the fact that usually it is not limited to the naming of a single historical incident, but consists of a considerable series of references to history, as in the examples quoted above. For this reason a good knowledge of ancient Chinese history is essential for the reading of much Chinese literature, in which there are often long passages consisting of a chain of such historical references, strung together in a way that can rarely be found in western writings.

Two possible factors seem to me to suggest the reason for this curious use of historical precedent in Chinese reasoning. The first is the fact that the Chinese are, with little doubt, the most historically minded of any people. Like no other people, they have a feeling and even reverence for the writings and documents of the past, with the result that their historical records are more continuous and complete than those of any other long existing nation. History, for them, is not a mere scientific record of what has happened. It is an

[1] See p. 31.

[2] P. 47.

[3] P. 49. This example, and that cited above from Li Ssŭ's debate with Chao Kao, occur in passages that have probably been invented by Ssŭ-ma Ch'ien. See above, pp. 91—93, 97—100. Nevertheless, the other examples here cited suffice to show that Li Ssŭ, like most other Chinese, made frequent use of the method of argument by historical precedent.

[4] For other instances occurring in the present work, see pp. 22, 27, 36—37, 75—76, 84.

instrument for moral education, through the examples of which men can be taught to do good and to avoid evil. This is why so many Chinese histories are called 'mirrors', meaning that they mirror the past for the benefit of the present generation.

This attitude of the Chinese toward the past, and their consequent emphasis upon historical precedent, can, I think, be attributed in a large degree to the Chinese worship of ancestors. Since ancient times the departed ancestors have been regarded as possessing the power of aiding or injuring the living; and therefore the offering of sacrifices to ancestors and obedience to their wishes have been the chief function of Chinese religious life. This is perhaps the most important reason why the Chinese tend to live in accordance with the ways of their forefathers, and hence have so often been accused of conservatism.

Viewed in this way, Li Ssŭ's reference to the activities of four former Ch'in rulers, when urging the King of Ch'in to repeal the decree for the expulsion of aliens, becomes much more than ordinary historical precedent as we would understand it. It becomes an appeal to the King based upon a strong feeling of reverence for ancestors, not to allow the decree to be promulgated, since by so doing he would be acting at variance with his immediate forefathers.

A second important reason for the Chinese stress upon historical precedent lies in the nature of the Chinese written language. Being primarily pictographic and ideographic rather than phonetic, this language, like all ideographic languages, can represent concrete objects more easily than it can represent abstract qualities. Even when it does represent the latter, in fact, it often does so through the medium of concrete symbols. The word 'good' (*hao* 好), composed of the ideographs for 'woman' (女) and 'child' (子) placed side by side, is a familiar example.

This characteristic of the Chinese language has given its people a view of life that is predominantly concrete rather than abstract, specific rather than general. Or perhaps, it would be better to say, it has given them a view of life which regards the abstract and the general, by means of, and in terms of, the concrete and the specific. The particular instance, in other words, is made to serve as the symbol or metaphor for its general class. In the words of Professor Duyvendak: "The Chinese way of thinking is along concrete, descriptive, associative lines . . . Chinese . . . does not summarize, it does not analyse but it sees all things apart in never-ending

variety. It accumulates one concrete simple image after another in the order in which they occur to the mind." [1]

Words in Chinese, therefore, tend to have two sets of meanings: the concrete meanings originally attached to them, and a shaded series of more or less abstract meanings derived from these primary meanings. The word *tao* 道, for example, is used in daily speech to mean a road or way, but it is also used in Chinese philosophy to signify *the* Way, and therefore Nature or the Absolute. When a word is read by a Chinese, therefore, it does not necessarily represent for him only its primary specific meaning, but may also suggest to his mind a whole series of related ideas. [2] Because of this imagery, the effect of Chinese words upon their reader is akin to that of poetry.

Realization of these principles is essential for an understanding of much of Chinese thought as a whole, as well as of the specific role played in it by historical precedent. For the frequent use by the Chinese of historical precedent is but a result of the combination of two types of thought: the historical and the concrete. It is the use, in other words, of concrete examples taken from the past to illustrate and serve as symbols for certain abstract ideas. Such names as those of the tyrants Chieh and Chou do not, for the Chinese, signify merely these men themselves. They are also symbols of the ideas of cruelty, tyranny, debauchery, etc., which in the course of time have become so associated with these men as to be instantly called to mind by the mere mention of the men's names.

When such historical examples are thus used again and again, until everyone knows them by heart, it is impossible that they can, logically speaking, be of much value for strengthening an argument, especially as they are often quoted in support of many actions or situations that are really very different from one another. They can only be explained, therefore, if they are accepted in the way I have suggested, as emotive symbols rather than intellectual argument. Their function is poetical rather than scientific. This point can be more clearly understood if we imagine, for example, that all arguments in the West directed against cruelty were to be

[1] Duyvendak, 'A Literary Renaissance in China', in the *Acta Orientalia*, vol. 1, 1923, p. 286. This article (pp. 285—291) gives an excellent account of the characteristic features of the Chinese written language.

[2] See also Granet, *La pensée chinoise*, ch. 2, especially pp. 63 and 73—74, which gives a stimulating, though to my mind too extreme, discussion of this question.

prefaced by references to Nero, Attila, Ivan the Terrible and other western equivalents of Chieh and Chou. Arguments based on such historical figures would have little effect upon modern westerners, because we westerners are accustomed to think in abstract rather than concrete terms, and at the same time lack the Chinese feeling of respect toward the past; but for the Chinese, with their concrete ways of looking at life, the citation of such historical examples has a powerful suasive appeal. [1]

Closely allied with the Chinese use of argument based on historical precedent, is that based on traditional authority, well exemplified by the Confucians in their constant quotations either from the classics or from the sayings of Confucius. Here again the force of the argument undoubtedly lies not only in the actual meanings of the quotations themselves, but in the emotive appeal produced by the train of ideas which in the course of time have become attached to these quotations. While this appeal to traditional authority is perhaps most characteristic of the Confucian school, it is also commonly found among the other philosophic schools of the Chou period. The Legalists are no exception to this rule, and Li Ssŭ invokes traditional authority when he quotes both from Han Fei Tzŭ and from Shen Pu-hai during the course of his memorial urging a policy of supervising and holding responsible. [2]

Still a third form of argument, dependent, like the two preceding, upon the Chinese tendency to think always in concrete terms, is the argument by analogy. This form of argument consists

[1] I say *modern* westerners, because few people realize how recent are the habits of thought which we today take so much for granted. Three centuries ago the method of historical precedent, as well as those of traditional authority and analogy (which are discussed in the following paragraphs), were commonly used in western writings in very much the same way as they are used by the Chinese. Knight points this out very clearly in his introduction to the *De Jure Belli ac Pacis* of Hugo Grotius, the appearance of which in 1625 revolutionized European legal thought. "Grotius," he says, "beginning with . . . general principles, . . . yet proceeds at once to its conclusions through a most comprehensive and systematic body of particular and concrete illustration. We say illustration—and herein is a signal defect in the method of Grotius—for . . . he seems to be living in and writing for the ancient world rather than in and for the world of his day . . . He has no concern whatever for contemporary or recent precedent. A fable from classical mythology is more to him than an incident in the international relations of the Dutch." See *De Juris Belli ac Pacis*, selections translated into English with an introduction by W.S.M. Knight, London, Sweet and Maxwell, 1922, pp. 17—18.

[2] See pp. 39—41.

in using concrete examples to illustrate abstract ideas. Mencius, for example, when he tries to prove the goodness of human nature, does so by comparing its natural tendency toward goodness with the natural tendency of water to flow downward.[1] Chinese philosophy, because of this special emphasis upon analogy, is rarely written in the form of logically developed essays, but usually consists of a series of picturesque metaphors, parables and anecdotes strung together to illustrate certain main ideas. Once more the result is to make Chinese philosophy poetic rather than logical. It tries to bring emotional rather than intellectual conviction, and its main appeal is to the heart rather than to the mind. [2]

An example of the analogy can be found in Li Ssŭ's writings, when, while urging the King to revoke the decree ordering the expulsion of aliens, he says: 'This is why Mount T'ai does not reject the dust (which blows upon it), and so is able to attain its greatness, and why the Yellow river and the sea do not make preference between the tiny rivulets, and so are able to attain their deepness. (In like manner) a King does not repulse the masses of the people, and so is able to make his power illustrious." [3] The appeal here is obviously purely emotional. The Yellow river, the sea and the sacred mountain of T'ai Shan have always for the Chinese been symbols of greatness and grandeur, and therefore by comparing the King to these symbols, Li Ssŭ makes a direct appeal to his emotions.

Still another form of argument very common in Chinese writing is the chain-syllogism or *sorites*. A good example is found in the climax of Li Ssŭ's memorial on supervising and holding responsible, in which he says: "When one's subjects are without depravity, the empire will be at peace. When the empire is at peace, its ruler will be awe-inspiring and venerated. When the ruler is awe-inspiring

[1] *Mencius*, VI*a*, 2.

[2] These words are not intended as a condemnation of Chinese philosophy. The lives of all of us are based to a large extent upon a mass of ideas which we accept as axiomatic truths, even though we cannot prove them to be so. So with any philosophical system, which no matter how logical, must in the end be based on certain axioms. In the West, therefore, one may find philosophical systems perfect in construction, and yet inherently false, because the premises on which they rest are arbitrary. In China, on the other hand, one may find philosophic systems which, being based on Chinese common sense and insight, may arrive at profound truths, even though they have not reached them along the same arduous logical paths pursued by western philosophy.

[3] P. 20.

and venerated, supervision and holding responsible are definite. When supervision and holding responsible are definite, what is sought for will be obtained. When what is sought for is obtained, the nation will be prosperous. When the nation is prosperous, its ruler's joy will be abundant." [1] We can best study this form of argument by looking at its original Chinese version and the Romanization of this, together with a literal English translation:

臣 無 邪 則 天 下 安
I *Ch'en wu hsieh, tse t'ien hsia an.*
Subjects without depravity, then Heaven-below peaceful.
(i.e. the empire)

天 下 安 則 主 嚴 尊
II *T'ien hsia an, tse chu yen tsun.*
Heaven-below peaceful, then ruler awe-inspiring venerated.

主 嚴 尊 則 督 責 必
III *Chu yen tsun, tse tu tse pi.*
Ruler awe-inspiring venerated, then supervision holding-responsible definite.

督 責 必 則 所 求 得
IV *Tu tse pi, tse so ch'iu te.*
Supervision holding-responsible definite, then that-which sought obtained.

所 求 得 則 國 家 富
V *So ch'iu te, tse kuo chia fu.*
That-which sought obtained, then State-home prosperous.
(i.e. the nation)

國 家 富 則 君 樂 豐
VI *Kuo chia fu, tse chün lo feng.*
State-home prosperous, then ruler('s) joy abundant.

A study of this Chinese original reveals two points. First, it is little more than one half the length of the non-literal English translation given above, requiring only forty-two words to say what the latter expresses in seventy-seven. This terseness means that it has a force and vigor which cannot possibly be reproduced in any western translation.

Secondly, the Chinese original is seen to consist of a series of six sentences, each composed of two clauses of three words each, connected with one another by the word *tse* or 'then'. The resulting structural form of the Chinese original can best be seen from the

[1] P. 43.

following diagram, in which each clause of three words forms one link in the chain-syllogism:

	1		2	
I	*Ch'en wu hsieh,*	*tse*	*t'ien hsia an.*	
	1 2 3,		*4* 5 6.	
	2		3	
II	*T'ien hsia an,*	*tse*	*chu yen tsun.*	
	4 5 6,		*7* 8 9.	
	3		4	
III	*Chu yen tsun,*	*tse*	*tu tse pi.*	
	7 8 9,		*10* 11 12.	
	4		5	
IV	*Tu tse pi,*	*tse*	*so ch'iu te.*	
	10 11 12,		*13* 14 15.	
	5		6	
V	*So ch'iu te,*	*tse*	*kuo chia fu.*	
	13 14 15,		*16* 17 18.	
	6		7	
VI	*Kuo chia fu,*	*tse*	*chün lo feng.*	
	16 17 18,		*19* 20 21.	

When read with proper emphasis upon the first word in each clause of three words, this passage becomes an example of a highly cadenced and rhythmic prose. Such prose, written in successive phrases of three, four, five or six words as the case may be, is common in all Chinese classical literature, and gives it the remarkable effect of movement and balance which are its distinguishing features, and which are lost in any translation into a western language. [1]

This characteristic of Chinese literature is once more a direct consequence of the nature of the Chinese language. Being non-inflected, Chinese words may in many cases be used indifferently as nouns, verbs, adjectives, etc., depending upon their context. A sentence in Chinese, therefore, is not, as with us, an elaborate structure of words combined into an ordered and comprehensible whole by means of verb and case endings, inflections and other grammatical apparatus. Instead, it consists of a succession of

[1] See on this, Granet, *op. cit.*, ch. 2, sect. 2.

unchanging and independent word entities, strung together in a series, the arrangement of which determines the total significance. The reader, as he peruses the words, mentally determines what parts speech they belong to, and supplies the necessary connectives between them. Thus such connectives as 'and', 'if', 'when', etc., are, as seen in the chain argument given above, to a large extent unnecessary in Chinese, since they are to be understood by the reader.

Add to this the fact that all Chinese words have the same length, namely, a single syllable, and one can understand how it is relatively easy to express a series of ideas in Chinese in phrases of, let us say, four characters each, thus creating a rhythmic prose, whereas in a western language the same ideas would each need a varying number of words and word syllables to be expressed.

Such rhythmic prose perhaps reaches its culmination in the form of the chain-syllogism, in which there is not only rhythm, but a powerful progressive forward movement supplied by the refrain effect given by the repetition of clauses from sentence to sentence. Thus the effect of the Chinese chain-syllogism becomes close to that produced by poetry. This explains why it appears so frequently in Chinese argument, especially to give a swelling climax at the end of the argument, as in Li Ssŭ's example here.

If the Chinese *sorites* shares the advantages of poetry, however, it also shares its defects. Even great poetry may sound banal when translated into calm and unemotional prose, and the Chinese chain-syllogism, too, not only shares the treacherous qualities of its western brother, but suffers from the attempt to conform a series of statements to a highly stylized literary mould, sometimes at the expense of exactness and clarity. Thus Li Ssŭ's chain argument becomes a series of *non sequiturs,* when studied in the cold light of reason. One might, for example, ask the following questions:

(1) Why should the fact that one's subjects are without depravity mean that the empire will be at peace? Judging from the sentences immediately preceding this one in the memorial, it is obvious that by 'depravity', Li Ssŭ means any private act or word that transgresses the narrow limits set by an authoritarian government. Yet even in democratic countries where freedom of speech is permitted, peace has been known to exist. (2) Why, when the empire is at peace, will its ruler be awe-inspiring and venerated? Cases have been known in which peace has existed even when the ruler was the mere puppet of some powerful usurper. (3) Why, when the ruler is awe-

inspiring and venerated, are supervision and holding responsible definite? This statement would undoubtedly be denied by the Confucians, who would reject supervision and holding responsible entirely, and replace them by such qualities as benevolence and righteousness. (4) By whom, when supervision and holding responsible are definite, will what is sought for be obtained? By the people? Hardly. This statement can therefore only refer to the ruler. (5) Yet the statement that "when what is sought for is obained, the nation will be prosperous," cannot refer to the ruler only, but must also include the people as a whole, since it is they who constitute the nation. The fallacies attendant upon the inexactness of expression in the Chinese chain-syllogism are exemplified here. (6) Why, when the nation is prosperous, should the ruler's joy be abundant? There is no necessary connection between the two clauses in this sentence, the truth of which depends entirely upon the character of the ruler himself.

The Chinese *sorites* is thus, properly speaking, not a form of logical argument at all, since it contains logical fallacies which it attempts to gloss over by an attractive style. Like the historical precedent, the appeal to traditional authority, and the analogy, its use is rhetorical and poetical rather than scientific. All of these forms of argument are not only to be found in Li Ssŭ's writings, but are to a considerable extent typical of Chinese thinking as a whole. All of them are inextricably bound up in the peculiar characteristics of the Chinese language. Perhaps we can best formulate the matter by saying that Chinese thought has made itself apparent in certain pecularities of the Chinese language; while the Chinese language, in its turn, has done much to mould the Chinese mind.

In any case, a more detailed study of these forms of argument may some day help to suggest why the Chinese look at the world in concrete and not abstract terms; why they are for the most part poetical and not logical in their ways of thinking; intuitional and not analytical. It may help to explain why, though through empirical methods they have produced many inventions of a concrete and practical nature, which rank among the world's greatest achievements, yet they have not studied the general abstract principles which underlie these particular achievements, and so have produced no theoretical science.

CHAPTER XII

CONCLUSION

In the preceding chapters I have considered Li Ssŭ under three aspects: as an individual, as a statesman, and as a thinker. Some readers may think that in my treatment of him as an individual, I have dealt a little harshly, and have shown myself to be too much under the influence of what Ssŭ-ma Ch'ien says. The fact that Ssŭ-ma Ch'ien, like most Chinese historians, looks at history largely from an ethical point of view, admittedly detracts somewhat from the value of his work; but so would a political, Marxist, or any other interpretation of history too narrowly applied. The perfect history never yet has, and never will be written, until all men have agreed as to what perfection means. But even then their judgment may be mistaken. It is indeed unfortunate that we must rely almost entirely upon Ssŭ-ma Ch'ien for our knowledge of Li Ssŭ, but the comparative lack of other material leaves us no alternative.

Even putting aside what may be Ssŭ-ma Ch'ien's elaborations, however, and judging Li Ssŭ solely on the main external events of his life, we must admit that, considered as an individual, he was a man lacking in moral principles. A glaring example of this fact is his betrayal of Han Fei Tzŭ, a fellow student whose political philosophy he practised wholeheartedly. And even the exemplary way in which he served Ch'in Shih-huang, which might be cited as proof of his faithfulness, might just as logically show that he realized that the best way to promote his reforms and gain personal power, was by strengthening the power of his sovereign. The way in which he was later so easily persuaded to nullify the proper succession, largely, according to Ssŭ-ma Ch'ien, because of personal considerations, helps to substantiate such a theory.

Yet Li Ssŭ was far from being a mere self-seeking opportunist. An excellent example of such a person was Chao Kao, a man so

blinded by his hatred toward others and his own mad lust for power, that even the imminent collapse of the Ch'in empire beneath his feet was insufficient to halt his intrigues. Only destruction could come from such a creature.

In Li Ssŭ, on the other hand, we see a man who throughout a lifetime held consistently to certain constructive ideas, such as the unification of China and the abolition of feudalism, for the advancement of which he strove unceasingly. And though the successful execution of these ideas meant glory and wealth for himself, he should not, on that account, be accused of being a mere self-seeker. For in him, as in all great men who have left their mark in history, we see that strange, sometimes almost incomprehensible dynamic power, which drives them on to act for their ideas, long after their personal desire for glory and wealth has been satisfied. Perhaps we should not, therefore, judge Li Ssŭ as harshly on moral grounds as we would an ordinary man, since in his case, as in that of almost all statesmen, there were occasions when he had either to be absolutely ruthless, or to surrender all that he had struggled for.

Li Ssŭ's achievements, to be sure, were probably not motivated by any feeling of direct concern for the common people of China. For him, as for most of the Legalists, the condition of these people was of interest only inasmuch as it would strengthen or weaken the political power of the state which he served. Yet how many, of all the figures in history whom we term 'great', acted as they did from any genuine desire to benefit the mass of their country's people? In most cases they concerned themselves with what they would call 'national honor' or 'national glory', which on closer examination usually means that they were working for the 'honor' and 'glory' of their country's ruling class and of themselves. Similarly with Li Ssŭ, whose achievements made both his ruler and himself glorious; yet because at the same time they were based on certain ideas great in themselves, they succeeded in transcending this narrow aim, and contributed in the end to China's lasting benefit.

This does not mean that Li Ssŭ's ideas were either entirely good, or even original. As regards the first point, they were far too violent and too destructive of human liberty to gain our approval, even though it may be argued that in the time in which Li Ssŭ lived, such ideas were necessary in order to prepare for a kinder and more gentle age. As for their originality, I have already pointed out in the chapter on Li Ssŭ's philosophic background, how his ideas were

derived almost entirely from other Legalist thinkers, who, in their turn, were under the influence of many other philosophic schools.

The form of his thought, too, as we have seen in the chapter on types of reasoning in Li Ssŭ, is typically and conventionally Chinese. Li Ssŭ, unlike such theoretical thinkers as Han Fei Tzŭ, was always more a man of action than a thinker. Indeed, he cannot properly be considered a thinker at all if originality be the criterion. Li Ssŭ's great merit lies in the determination with which he held to certain ideas which he had accepted; the ordered synthesis he gave to these ideas; and the superb consistency and thoroughness with which he put them into practice. Li Ssŭ's reforms are the summation and logical culmination of many streams of political thought, some of which had already begun to flow centuries before his time.

Even as a man of action, Li Ssŭ displayed little more originality than as a theoretical thinker. So far as Ch'in itself is concerned, feudalism had already virtually disappeared before his time; destructions of literature, though sporadic and only partial, had already been attempted in China; and as for the legal and economic measures of Ch'in, these he apparently left much as he found them. Many of his reforms, in fact, go back in their origin to Shang Yang's time, more than a century before.

Nevertheless, there is a profound difference between the two men. In Shang Yang's age there was as yet no definite preponderance of any one state over the others, and all of them were deadlocked in a fairly even balance of power. Shang Yang's vision, as a result, never went beyond the confines of the immediate state that he served. His efforts were always to make Ch'in strong among the other states, not to make it supreme over all. His thought was always formulated in terms of regional divisions of power, not of a united empire.

A century later, however, this balance of power was broken by the rise of two or three states to positions of commanding predominance. And with this change we find a new concept emerging: that of a single Chinese empire, in which all feudal sectionalism was to be merged into one all-embracing power.

By no one man was this vision of a united China clung to with more tenacity than by Li Ssŭ. Already as a young man, he was moved by it to leave Hsün Tzŭ and travel west; he expressed it in his first interview with the King of Ch'in; and through all the succeeding years he held to it and labored for it, until it became a reality in

221 B.C. This I have made clear in the chapter on 'The Concept of Empire', and it is in this that Li Ssŭ stands out from all those statesmen and thinkers who had preceded him. Not for his ideas and reforms is Li Ssŭ so great, as for the broadness of a vision which saw China, not as a group of separate fragments, but as a single entity, and which gave direction and force to his reforms by making them universal and equally applicable throughout the reaches of this entity.

At this point the inevitable question arises: was Li Ssŭ the controller of the movements which changed the face of China, or was he the mere agent of forces which, generated by the circumstances of Ch'in's environment and economic conditions, would have operated inevitably as they did, regardless of whether Li Ssŭ had been active or not? In other words, is history to be viewed as the result of the activities of a few individuals, or as the interplay of certain forces which arise inevitably out of any given situation and operate independently of individual human beings?

This is one of the great problems of the historian, and one which may never be satisfactorily answered. To my mind, no theory that is pushed too far is ever right. We should try to strike a happy balance, and to see history as the interplay of two forces: that of the individual upon his environment, whether geographical, social or economic; and that of the environment upon the individual. If it be true that there is no individual who can wholly control his environment, it is also true that the individual, when he is great enough, can at least direct and modify, to some extent, the forces generated by this environment. Though it is true that most great movements in history have been led by a small group of gifted individuals, yet it is also true that certain periods of history produce a galaxy of great geniuses, while others produce none, apparently because of combinations of forces of which man has neither control nor clear understanding.

In the case of Li Ssŭ, after all, what is significant is the fact that his life was inextricably bound up with events which were of the utmost significance, not only for the China of his time, but for all later Chinese history; and that therefore, if we wish to gain a clear and coherent picture of these events, there is no better way of doing so than by studying them through the life of Li Ssŭ.

The China of the Chou dynasty, with its loosely knit feudal system, is comparable in some ways to ancient Greece, with its

city-states that were sometimes at war, at other times joined in a temporary league. Likewise, the Han dynasty, with its unifying and codifying activities, may in some ways be compared to the roughly contemporaneous Roman Empire. Between these dynasties there intervenes the somewhat uncultivated, but exceedingly vigorous, Ch'in empire, analogous in some ways to the conquering empire of Philip and Alexander in the West, which like Ch'in in China, had grown up on the outskirts of a civilization. The Chou dynasty, though the basis of all later China, is in many respects so alien from what we recognize today as typically Chinese, as sometimes to be hardly comprehensible. In the Han dynasty, on the contrary, we find that a new world has emerged, and one in which the broad outlines of the China that we know are already clearly discernible.

Between these two worlds the Ch'in dynasty formed a brief, but essential, link. Force, system and efficiency: all these were needed to weld China into a solid empire, and all these Ch'in supplied. That Ch'in collapsed does not mean that it failed, but only that it had done all that could be done with the methods at hand. Force can never give a permanent unity, but its use may be necessary to establish this unity in the beginning; and when the Han rulers, employing other methods, created a more lasting cultural homogeneity, it must be remembered that what they did would have been impossible without the achievements of the preceding Ch'in empire.

The Ch'in dynasty, then, short as it was, forms one of the most crucial periods of Chinese history. Without its great concept of a single China, which replaced the hitherto prevailing view of China as a collection of scattered parts, the whole later development of Chinese history, as we know it, would have been impossible. And in no one man is this concept better exemplified, and in none can it be better studied, than in Li Ssŭ.

APPENDIX

THE RISE OF THE *HSIEN* AND *CHÜN* SYSTEMS IN ANCIENT CHINA

A study of the way in which the *hsien* 縣 or prefectures and *chün* 郡 or commanderies developed in the feudal states of China prior to the Ch'in dynasty, contributes greatly to an understanding of the significance of Li Ssŭ's abolition of feudalism in 221 B.C., when all China was divided into thirty-six *chün,* subdivided in their turn into an indeterminate number of *hsien.* Because such a study does not in itself have much connection with Li Ssŭ, however, and because it entails somewhat detailed discussions, it has been relegated to an appendix. In this appendix, only the chronological and geographical evolution of the *hsien* and *chün* is discused. A description of what they actually represented will be found above in the seventh chapter dealing with Li Ssŭ's abolition of feudalism.

A. *HSIEN*

These have been arranged in the following table in chronological order under the various states. All the references, save for a few important exceptions, are to a period earlier than that of the Warring States (403—221 B.C.), since by that time the *hsien* had already become firmly established. The most important source for our knowledge of this pre-Warring States period is the historical work known as the *Tso Chuan,* references to which are given according to the French translation of Couvreur.

Ch'i: (1) At the advice of the noted statesman, Kuan Chung, Ch'i was divided, about 685 B.C., into twenty-one districts or *hsiang* 鄉, three of which formed a *hsien.* Thus the whole state contained seven *hsien.*[1] (2) Another source, however, states that there were seventeen *hsien* in Ch'i at this time.[2] (3) Duke Ling

[1] *Kuo Yü* (*Ch'i Yü,* 1 and 2); *Kuan-tzŭ,* ch. 74.
[2] *Yen-tzŭ Ch'un Ch'iu, chüan* 7, sect. 24, p. 13b.

of Ch'i (581—554), according to a supposedly contemporary bronze inscription, once made a present of three hundred *hsien* to someone.[1] (4) Duke Ching of Ch'i (547—490) offered a *hsien* of a thousand households to his famous minister, Yen Ying.[2] (5) In a speech made in 522, Yen Ying speaks of 'the people of the *hsien* and borders' of Ch'i.[3] (6) King Wei of Ch'i (357—320) once summoned to court seventy-two of the *hsien* Prefects of Ch'i.[4] (7) The travelling politician, Su Ch'in, said to King Hsüan of Ch'i (319—301): "Without waiting for those troops that can be raised by the distant *hsien* (of Ch'i), the troops of Lin-tse (the Ch'i capital) already amount to 210,000."[5]

Chin (in 403 B.C. this state was divided to form the states of Han, Chao and Wei): (1) 627 B.C.[6] (2) 594.[7] (3) 578.[8] (4) 547.[9] (5) 543.[10] (6) 539.[11] (7) In 537, there were nine *hsien* under the control of two powerful clans in Chin, besides which Chin had forty other *hsien*.[12] (8) 535.[13] (9) 523.[14] (10) In 514, the minister of Chin divided the lands of one Chin clan into seven *hsien* and those of another into three.[15] (11) 493.[16]

Ch'in: (1) In 688 and 687, it is recorded for the first time that *hsien* were created out of four newly captured territories.[17] (2) The establishment of a *hsien* is recorded in 451.[18] (3) The small cities and towns of Ch'in were in 350 B.C. organized under Shang Yang to form a total of thirty-one *hsien*, each administered by a *ling* 令 or Prefect.[19]

Ch'u: (1) In 598, a captured state was made into a *hsien*.[20] (2) In 597, Ch'u made nine conquered regions into *hsien*.[21] (3) Two *hsien* are mentioned in Ch'u under the year 585.[22]

[1] See Chang Yin-lin, *Chou-tai ti Feng-chien She-hui* (Feudalism in the Chou Dynasty), in *Ts'ing Hua Hsüeh Pao*, vol. 10, no. 4 (Dec., 1935), p. 826.
[2] *Shuo Yüan, chüan* 2, p. 15a.
[3] *Tso Chuan*, III, 323.
[4] *Shih Chi*, ch. 126, p. 1a.
[5] *Chan Kuo Ts'e* (*Ch'i Ts'e*, I, 16).
[6] *Tso Chuan*, I, 436. All the following references for Chin are to the *Tso Chuan*.
[7] I, 658. [8] II, 104. [9] II, 469—470.
[10] II, 543, 545. [11] III, 63—64. [12] III, 109.
[13] III, 140. [14] III, 300. [15] III, 439—445.
[16] III, 607. [17] *Mém. hist.*, II, 20—21.
[18] *Ibid.*, p. 55. [19] *Ibid.*, pp. 65—66, and note 1 on p. 66.
[20] *Tso Chuan*, I, 607. All the following references for Ch'u are to the *Tso Chuan*.
[21] I, 611. [22] II, 58.

(4) In 531, a captured state was made into a *hsien.* [1] (5) 513. [2] (6) In 478, two small captured states were converted by Ch'u into *hsien.* [3]

Wu (this state was annexed by Yüeh in 473, and its territory later formed part of Ch'u): 545. [4]

Yen: In 284, a Yen general "captured more than seventy cities of Ch'i and made them all into *chün* and *hsien* so that they might be attached to Yen." [5]

From the above compilation we may conclude that the *hsien* seems to have existed in all the seven great states of the Warring States period: those of Han, Chao and Wei (into which Chin was divided in 403 B.C.); and Ch'in, Ch'u, Ch'i and Yen. In the case of Yen, to be sure, *hsien* are not mentioned until 284 B.C., and not even then in connection with Yen itself, but as having been applied by Yen to territory newly captured from Ch'i. This should occasion no surprise, however, since it was only about this time that Yen, which was an out-of-the-way state in northern China, became at all important in political affairs, and consequently it is very rarely mentioned in earlier historical records, such as the *Tso Chuan.* The same fact holds true in the case of Ch'in, which is never once mentioned in the *Tso Chuan* as having *hsien,* although, as we know from the *Shih Chi,* Ch'in was probably the originator of the *hsien* system, having established them as early as 688 B.C. There is no reason to doubt the truth of this record of 688, since the *Shih Chi*'s chronicle of the state of Ch'in is probably more than usually reliable, the Ch'in historical records having been especially spared by Li Ssŭ from the Burning of the Books.

In the case of the state of Ch'i, however, the seven citations which are given above are of such a nature as to raise grave doubts as to whether the *hsien,* as an administrative unit, ever existed in Ch'i at all. They must therefore be discussed one by one.

(1) and (2): First of all, these two references are obviously contradictory, there being only seven *hsien* in Ch'i according to the first reference, whereas the second puts the number at seventeen.

Secondly, the *Kuo Yü,* the *Kuan-tzŭ* and the *Yen-tzŭ Ch'un Ch'iu,* the texts in which these references occur, are often unreliable,

[1] II, 183. [2] III, 452. [3] III, 733.
[4] *Mém. hist.,* IV, 7. [5] *Shih Chi,* ch. 80, p. 1b.

especially the two latter, which are late compilations, generally recognized as containing much inaccurate material. [1]

Thirdly, the date, 685 B.C., would make the establishment of *hsien* in Ch'i practically contemporary with that in Ch'in in 688, and it is hardly probable that such a system would have sprung up simultaneously in two states so far removed from each other as Ch'i (occupying far eastern China in what is now Shantung) and Ch'in (occupying the far west in what is now Kansu). In this connection it is worth noting that the next reference to *hsien* as having been established in other states, does not occur till 627, sixty-one years later, and refers to Chin, which bordered Ch'in. This is what we would expect, if the theory that the *hsien* originated in Ch'in be accepted. As already pointed out, there is little reason to doubt the authenticity of the Ch'in reference of 688 B.C.

Finally, many of the reforms attributed to Kuan Chung, the great minister of Ch'i at this time, are obviously later inventions, so that on this basis, as well as on that of the previous objections, it is probable that the story that he established *hsien* in Ch'i is the product of a much later time, when the *hsien* system had become generally known in China.

(3) The scholar who quotes the bronze inscription referred to here, fails to note where he obtained the reference to it, and passes no judgment on its authenticity. It is impossible, however, to suppose that such an enormous number as three hundred *hsien* could have been given to anyone in Ch'i at this time, when a little later, as we know from the *Tso Chuan,* the total number of *hsien,* in the equally large state of Chin, amounted to only forty-nine. [2]

(4) The *Shuo Yüan,* in which this reference occurs, is a late compilation of the Han dynasty containing much inaccurate material. In the *Yen-tzŭ Ch'un Ch'iu,* moreover, a work which is especially devoted to the activities of Yen Ying, and in which the same incident is related, it is stated that it was a 'thousand (ounces) of gold', and not a *hsien* of one thousand households, that was offered to the faithful minister. [3] In the *Tso Chuan,* which is much more reliable than either of these two late compilations, the whole incident passes unrecorded.

[1] In the case of the *Kuo Yü,* the well known scholar, Chao I (1727—1814), writing on the subject, definitely states that in his opinion the passage referring to *hsien* in Ch'i is a late addition. See his *Kai Yü Ts'ung K'ao, chüan 16, Chün-hsien* section.

[2] See p. 239, under *Chin* 9.

[3] See *chüan* 6, sect. 18, p. 9a.

(5) This is the only instance in the entire *Tso Chuan* in which the word *hsien* is mentioned in connection with the state of Ch'i, a remarkable fact when one considers that the political events of Ch'i, unlike those of such states as Yen or Ch'in, occupy a large portion of the *Tso Chuan,* and that in speaking of other states, such as Chin and Ch'u, the *Tso Chuan* frequently mentions *hsien.* The reference here to 'the people of the *hsien* and borders' of Ch'i, occurring casually during the course of a long speech, is such an ambiguous one that it is difficult to determine whether the word *hsien* is used to indicate a definite administrative unit, or is merely loosely used in the general sense of a 'region', 'district', or 'domain'. [1] This is in striking contrast to the use of the word in connection with other states, such as Chin, Ch'u and Ch'in, where it obviously has a technical connotation.

(6) In this reference, the *Shih Chi* states that King Wei of Ch'i summoned seventy-two of the *hsien* Prefects of Ch'i to court, yet in the forty-sixth chapter of the *Shih Chi,* in which the reign of King Wei is specifically recorded, no mention of this important event is made. Not only this, but according to the *Hsin Hsü,* compiled by Liu Hsiang (77—6 B.C.), which describes the same incident, it was not seventy-two *hsien* Prefects who came to court, but the seventy-two followers of a certain noted sophist, Shun-yü K'un. [2] The fact that in both cases the number of men mentioned is seventy-two, still further suggests that both accounts are based on legendary material, since this number, for the Chinese, holds a definite mystical significance. [3] It will be remembered, for example, that seventy-two was also the traditional number of the disciples of Confucius. Furthermore, as pointed out in an earlier chapter, still other reasons exist for doubting the reliability of the biography of Shun-yü K'un in the *Shih Chi,* in which this reference to *hsien* occurs. [4]

(7) The speeches and activities of Su Ch'in, as recorded in the *Chan Kuo Ts'e,* have all been shown by two independent scholars to be a mass of contradictions that have little foundation in historical fact, so that the story of Su Ch'in is probably a late romance. [5]

[1] The word occurs several times in the *Li Chi,* ch. 3, with this general meaning. See Couvreur's translation, I, 268, 273, 325, 328.

[2] See in *Mém. hist.,* V, 248, note 3.

[3] See *ibid.,* II, 325, note 6. [4] See p. 110.

[5] See Ch'ien Mu, *op. cit.,* sect. 95; also Maspero, 'Le roman de Sou Ts'in', in *Etudes asiatiques publiées à l'occasion du 25e anniversaire de l'Ecole Française d'Extreme Orient, Publ. E.F.O.,* vol. 20, pp. 127—141.

From the foregoing, it is obvious that of all the references adduced to prove the existence of the *hsien* system in Ch'i, only the fifth is in any way reliable; yet even in this reference, the word *hsien* is used so ambiguously as to make an exact determination of its meaning impossible. The passage in the *Shih Chi,* furthermore, stating that in 284 a certain Yen general "captured more than seventy cities of Ch'i and made them into *chün* and *hsien* so that they might be attached to Yen," would seem to imply that *hsien* and *chün* had not been organized by Ch'i itself before this time. [1]

It is very uncertain, therefore, whether or not the *hsien,* as an administrative unit, ever existed in Ch'i. If it did, it must have played a very much smaller role there than it did in the other states. This conclusion is one which might be expected from the fact that the *chün* as we shall see shortly, also seems never to have existed in Ch'i.

B. *CHÜN*

The *chün* 郡, or commandery, seems to be of considerably later origin than the *hsien,* which, as we have seen in the preceding section, is first mentioned in Ch'in under the year 688 B.C. The first reference to any *chün* occurs in the *Kuo Yü* in the year 651, in which one of the claimants for the throne of Chin states to a Ch'in envoy who visits him: "You, sir, will truly have *chün* and *hsien,*" meaning by this that Chin would be as submissive to Ch'in as if it were Ch'in's own commanderies and prefectures. [2]

This reference to *chün,* however, is, for the following reasons, almost certainly a later addition: (1) Though from this time on, references to *hsien* are frequent in the *Tso Chuan* and elsewhere, yet there is not a single other reference to *chün,* in historical literature, until more than a century and a half later. (2) The *Kuo Yü* often contains fanciful material, and the more reliable *Tso Chuan,* when describing the same incident, does not record these words. (3) The expression, '*chün* and *hsien*', used to signify the submission of one state to another, occurs frequently in literature of the third century B.C., the time when the *Kuo Yü* was probably compiled, but is rare before this period. [3] For these reasons the reference

[1] See p. 240, under *Yen.*

[2] *Kuo Yü* (*Chin Yü,* II, 8).

[3] For two examples of this expression, see pp. 14 and 65.

is probably a literary embroidery that has been added to the original historical chronicle by the *Kuo Yü* compiler.

The next reference to *chün,* and the only one that occurs in the *Tso Chuan,* is found under the year 493 B.C., in which it is stated that for those who will help Chin, "great officers of the upper rank will receive *hsien,* and great officers of the lower rank will receive *chün.*" [1] The meaning of this passage will be found treated in detail in chapter seven, dealing with the abolition of feudalism.

But it is not until about 400 B.C. that we find any definite territory being referred to as a *chün.* This is shown in the compilation given below, in which I have tried to list all the territories known to have existed as *chün,* together with the dates when they are first referred to as such in the *Shih Chi.* Unfortunately, the compilation must necessarily be incomplete, since besides the territories that are listed, there were probably several others that could also be classed as *chün,* although they are not specifically referred to by this name in the records. Strong evidence for this assumption is given by the fact that, of the territories here listed, the only proof we have that some must have been chün, is the fact that they are spoken of as being governed by a *shou* 守, which was the usual name given to the Administrator of a *chün.* [2]

All references in the following list, unless otherwise stated, are to the *Mémoires historiques.* Asterisks, in the case of states other than Ch'in, indicate that the *chün* in question was at a later time incorporated into the system of thirty-six *chün* established by Ch'in for all China in 221. When found under Ch'in itself, they indicate that the territory in question had already belonged as a *chün* to some other state, before having been taken over by Ch'in. The numerals in parentheses are the dates when the *chün* are first mentioned.

Chao (all established under King Wu-Ling, reigned 325—299): [3] (1) * Tai 代. (2) * Yen-men 雁門. (3) * Yün-chung 雲中.

Ch'u: (1) * Han-chung 漢中 (312). [4] (2) Chiang-tung 江東 (305). [5] (3) * Ch'ien-chung 黔中 and (4) Wu 巫 (both 299). [6] (5) Huai-pei 淮北 (248). [7]

[1] III, 607.
[2] For instances of this, see below under *Han, Wei,* and *Ch'in* 4.
[3] For all these, see *Shih Chi,* ch. 110, p. 2a. [4] IV, 391.
[5] *Shih Chi,* ch. 71, p. 1b. [6] IV, 399. [7] *Shih Chi,* ch. 78, p. 2a.

Han: * Shang-tang 上黨 (262).[1]

Wei: (1) Hsi-ho 西河 (soon after 406).[2] (2) * Shang 上 (361).[3] (3) Shang-yung 上庸 (273).[4]

Yen:[5] (1) * Liao-hsi 遼西. (2) * Liao-tung 遼東. (3) * Shang-ku 上谷. (4) * Yu-pei-ping 右北平. (5) * Yü-yang 漁陽.

Ch'in: (1) * Shang 上 (obtained from Wei in 328).[6] (2) * Han-chung 漢中 (obtained from Ch'u in 312).[7] (3) Ho-tung 河東 (285).[8] (4) Shu 蜀 (285).[9] (5) Nan 南 (278).[10] (6) * Ch'ien-chung 黔中 (obtained from Ch'u in 277).[11] (7) Nan-yang 南陽 (272).[12] (8) * Shang-tang 上黨 (obtained from Han in 259).[13] (9) San-ch'uan 三川 (250).[14] (10) T'ai-yüan 太原 (247).[15] (11) Tung 東 (242).[16] (12) Ying-ch'uan 潁川 (230).[17] (13) Han-tan 邯鄲 (228).[18] (14) Kuei-chi 會稽 (222).[19] (15) Chiu-chiang 九江.[20] (16) Chang 鄣. (17) T'ang 碭. (18) Ssŭ-shui 泗水. (19) Hsieh 薛. (20) Lang-ya 琅琊. (21) Ch'i 齊. (22) * Shang-ku 上谷. (23) * Yü-yang 漁陽. (24) * Yu-pei-p'ing 右北平. (25) * Liao-hsi 遼西. (26) * Liao-tung 遼東.

[1] V, 115—116. The commandery of Nan 南 is also mentioned as belonging to Han in the year 263, but this term is undoubtedly a mistake in the text for another name, Nan-yang 南陽. See *Mém. hist.*, II, 90, and note 6.

[2] *Shih Chi*, ch. 65, p. 2a. For this date, see Ch'ien Mu, *op. cit.*, p. 125.

[3] II, 61. [4] II, 88. [5] For all these, see *Shih Chi*, ch. 110, p. 2a.

[6] II, 69. [7] II, 74. [8] II, 85 and 101.

[9] Shu had been captured by Ch'in in 316 (see II, 72). At first it was established as a feudal state under Ch'in, but in 285, after its ruler was suspected of revolt, he was replaced by a *shou* or Administrator. See II, 78, note 2.

[10] II, 87. [11] II, 87. [12] II, 89. [13] II, 92 and 101.

[14] II, 97. [15] II, 98. [16] II, 104. [17] II, 118.

[18] Han-tan was the territory surrounding the Chao capital, which was annexed by Ch'in in 228. See II, 119. [19] II, 122.

[20] Numbers 15—36 are taken from the list of the thirty-six *chün* organized in 221, as given by Chavannes, *Mém. hist.*, II, 132, note 1. Several of them, however, like the preceding numbers 1—14, had quite possibly been established as *chün* by Ch'in before 221, even though we are not specifically told so.

(27) * Tai 代. (28) Chü-lu 鉅鹿. (29) * Yün-chung 雲中. (30) Chiu-yüan 九原. (31) * Yen-men 雁門. (32) Lung-hsi 隴西. (33) Pei-ti 北地. (34) Pa 巴. (35) Ch'ang-sha 長沙. (36) The Ch'in capital, the territory of which was called, after the title of its administrator, the Nei-shih 內史. (37) Kuei-lin 桂林, (38) Hsiang 象 and (39) Nan-hai 南海 (214).[2] (40) Min-chung 閩中 (214?).[3]

From the above tabulation we can see that: (1) of all the major states of feudal China, Ch'i seems to be the only one in which both the *hsien* and the *chün* were lacking; (2) of the system of thirty-six *chün* organized by Ch'in for all China in 221, no less than eighteen had already existed as *chün* before Ch'in Shih-huang's reign, i. e., prior to 246, and of these, twelve had been originally established by other states. The significance of these facts is discussed in detail in the seventh chapter.

[1] It is probable that Pa, which had been seized by Ch'in before Ch'in Shih-huang's time (see II, 101), had already been established as a *chün* long before 221, though we are not directly told so. This is suggested by the fact that it is usually spoken of in conjunction with Shu, whose neighbor it was in what is now Szechwan, and that Shu, as we know, was made into a *chün* as early as 285 (see p. 245, note 9).

[2] These three regions, all in the far south in what are now Kwangtung and Kwangsi, were not conquered until 214, when they were added as *chün* to the original system of thirty-six *chün* made in 221. See *Mém. hist.*, II, 167—168, and *Shih Chi*, ch. 113, p. 1a.

[3] This region, corresponding to what is now Fukien, was also, though we are not definitely told so, probably captured in 214, the same year when the foregoing three regions were annexed. See *Mém. hist., op. cit.*, and *Shih Chi*, ch. 114, p. 1a.

BIBLIOGRAPHY

This bibliography, which lists all works quoted from or cited in this book, save those now lost (for which see the Index), is divided into two sections: (1) Original Sources; (2) Modern Works. The numbers following each entry refer to the pages in the text where the citations occur.

I. ORIGINAL SOURCES

Book of Changes, see *Changes, Book of.*

Book of Lord Shang, see *Lord Shang, Book of.*

Chan Kuo Ts'e 戰國策 (Plots of the Warring States), Chung Hua Shu Chü 中華書局 ed., Shanghai, 1932: 16, 21, 67, 70, 74—76, 128—129, 137—138, 142, 239, 242.

Changes, Book of (*I Ching* 易經): 25, 55, 149.

Ch'ien Han Shu, see under PAN KU.

Ch'u Tz'ŭ 楚辭, a collection of poems by Ch'ü Yüan 屈原 (died c. 299 B.C.) and others: 130.

Chuang-tzŭ 莊子, English translation of H. A. Giles, *Chuang Tzŭ, Mystic, Moralist, and Social Reformer*, Shanghai, Kelly & Walsh, 2nd revised ed., 1926: 13, 20.

Ch'un Ch'iu, see *Spring and Autumn Annals.*

Han-fei-tzŭ 韓非子, Sao Yeh Shan Fang 掃葉山房 ed., Shanghai, 1932: 18, 20, 35, 37, 40—41, 47, 63—72, 163, 189—190, 193—196, 200—201, 203—204, 209—210, 214—215, 220.

Han Shih Wai Chuan 韓氏外傳, by Han Ying 韓嬰 (alive c. 157 B.C.): 41.

History, Book of (*Shu Ching* 書經): 23—24, 55, 83—85, 122, 149, 162—164, 192, 211.

HSÜ SHEN 許愼, *Shuo-wen Chieh-tzŭ* 說文解字 (c. A.D. 100), Shanghai, Commercial Press, Ssŭ Pu Ts'ung K'an 四部叢刊 ed., 1929: 147—151, 153—155, 158, 160.

Hsün-tzŭ 荀子: (a) partial English translation of H. H. Dubs, *Hsüntze Works* (London, Probsthain & Co., 1928); (b) Sao Yeh Shan Fang 掃葉山房 Chinese ed., Shanghai, 1926: 3, 9—10, 18, 41, 57—58, 121, 187—188, 198, 212—213.

Huai-nan-tzŭ 淮南子, by Liu An 劉安, Prince of Huai-nan (died 122 B.C.): 18, 20.

I Ching, see *Changes, Book of.*

Kuan-tzŭ 管子: 20, 193—194, 202, 238, 240.

Kuo Yü 國語 (Discourses of the States): 67, 104—105, 238, 240—241, 243—244.

Li Chi 禮記 (Book of Rites), French translation of S. Couvreur, S.J., *Li Ki*, 2 vols., Ho-kien-fu, Imprimerie de la Mission Catholique, 1913: 18, 20, 53, 55, 133—134, 149, 242.

Li Sao 離騷, by Ch'ü Yüan 屈原 (died c. 299 B.C.): 130.

LIU HSIANG 劉向 (77—6 B.C.),

Hsin Hsü 新序, Shanghai, Commercial Press, Ssŭ Pu Ts'ung K'an 四部叢刊 ed., 1929: 21, 40, 55, 100, 242.

Shuo Yüan 說苑, *ibid.*: 18, 55, 100, 239, 241.

Lord Shang, Book of (*Shang Chün Shu* 商君書), English translation of J. J. L. Duyvendak, *The Book of Lord Shang*, London, Probsthain & Co., 1928: 7—8, 40, 214, 220.

Lun Yü 論語 (Confucian Analects): 8, 20, 28, 183—185, 191, 198, 207.

Mencius (*Meng-tzŭ* 孟子): 2, 24, 40, 43, 126, 133—134, 163, 207, 228.

Mo-tzŭ 墨子: (a) partial English translation of Y.P. Mei, *The Ethical and Political Works of Motse* (London, Probsthain & Co., 1929); (b) German translation of Alfred Forke, *Me Ti des Sozialethikers, und seiner Schüler philosophische Werke* (Berlin, *Mitteilungen Seminars für Oriental. Sprachen*, vols. 23—25, 1922): 25, 37, 185—187, 208—209.

Odes, Book of (*Shih Ching* 詩經): 23—24, 55, 83—85, 122, 125, 149, 162—164, 184, 192, 211.

PAN KU 班固 (A.D. 32—92), *Ch'ien Han Shu* 前漢書 (History of the Former Han Dynasty), with commentary by Yen Shih-ku 顏師古 (581—645). Chung Hua Shu Chü 中華書局 ed., Shanghai, 1923: 4, 14, 46, 52, 61, 107—109, 146—148, 150—151, 153, 157—158, 165, 167—168, 170—172, 174, 198—199.

Rites, Book of, see *Li Chi*.

Shih Chi, see under SSŬ-MA CH'IEN.

Shih Ching, see *Odes, Book of*.

SHIH YU 史遊, *Chi Chiu P'ien* 急就篇 (composed between 48 and 33 B.C.): 157, 159.

Shu Ching, see *History, Book of*.

Shui Ching Chu 水經注 (Commentary on the Classic of Water), by Li Tao-yüan 酈道元 (died A.D. 527), Shanghai, Commercial Press, Ssŭ Pu Ts'ung K'an 四部叢刊 ed., 1929: 176–177.

Spring and Autumn Annals (*Ch'un Ch'iu* 春秋): 55, 149.

SSŬ-MA CH'IEN 司馬遷 (145—c. 86 B.C.), *Shih Chi* 史記 (Historical Records): (a) French translation of chs. 1—47 by Edouard Chavannes, *Les Mémoires historiques de Se-ma Ts'ien* (referred to in text as *Mém. hist.*), 5 vols., Paris, E. Leroux, 1895—1905. (b) Chung Hua Shu Chü 中華書局 Chinese ed., Shanghai, 1923, containing the following commentaries: (i) *Shih-chi Chi-chieh* 史記集解, by P'ei Yin 裴駰 (held high office 465—472); (ii) *So Yin* 索隱, by Ssŭ-ma Cheng 司馬貞 (first half 8th century A.D.); (iii) *Cheng I* 正義 (A.D. 737), by Chang Shou-chieh 張守節. Referred to *passim*.

Sui Shu 隋書 (History of the Sui Dynasty), by Wei Cheng 魏徵 (580—643) and others, Shanghai, Chung Hua Shu Chü 中華書局 ed., 1923: 158.

Ta Hsüeh 大學 (Great Learning): 21.

Tao Te Ching 道德經: 66, 116, 216—217, 219—220.

Tso Chuan 左傳, French translation of S. Couvreur, S. J., *Tch'ouen Ts'iou et Tso Tchouan*, 3 vols., Ho-kien-fu, Imprimerie de la Mission Catholique, 1914: 47, 103—106, 137—138, 141, 149, 168, 238—244.

YANG HSIUNG 楊雄 (53 B.C.—A.D. 18), *Fa Yen* 法言: 13, 55.

Yen T'ieh Lun 鹽鐵論 (Discourses on Salt and Iron), by Huan K'uan 桓寬 (1st century B.C.): 41, 175.

Yen-tzŭ Ch'un Ch'iu 晏子春秋, in the *Tzŭ Shu Po Chia* 子書百家, O Kuan Shu Ch'u Ch'ung K'an 粤官書處重刊 ed., 1912: 238, 240—241.

II. MODERN WORKS

CHANG WEN-HU 張文虎 (1808—1885), *Shih-chi Cha-chi* 史記札記: 46.

CHANG YIN-LIN 張蔭麟, *Chou-tai ti Feng-chien She-hui* 周代的封建社會 (Feudalism in the Chou Dynasty), in *Ts'ing Hua Hsüeh Pao* 清華學報, vol. 10, no. 4 (Dec., 1935): 138, 239.

CHAO I 趙翼 (1727—1814), *Kai Yü Ts'ung K'ao* 陔餘叢考, *chüan* 16, *Chün-hsien* 郡縣 sect.: 241.

CH'EN YÜAN 陳垣, 'The Traditional Omission of Sacred and Imperial Names in Chinese Writings' (in Chinese), in the *Yenching Journal of Chinese Studies*, no. 4 (Dec., 1928): 102.

CHI, CH'AO-TING, *Key Economic Areas in Chinese History*, London, G. Allen & Unwin, 1936: 60.

CHIANG SHAN-KUO 蔣善國, *Chung-kuo Wen-tzŭ chih Yüan-shih chi ch'i Kou-tsao* 中國文字之原始及其構造 (The Origin and Formation of Chinese Writing), Shanghai, Commercial Press, 1930: 155—156.

CHIANG YÜN-KANG 姜蘊剛, *Li Ssŭ ti Cheng-chih Ssŭ-hsiang* 李斯的政治思想 (Li Ssŭ's Political Thought), in *Tung Fang Tsa Chih* 東方雜誌, vol. 31, no. 1 (Jan., 1934): 206.

CH'IEN MU 錢穆, *Hsien-Ch'in Chu-tzŭ Hsi-nien* 先秦諸子繫年 (A Linked Chronology of the pre-Ch'in Philosophers), Shanghai, Commercial Press, 1936: 9, 47—48, 57, 63, 70, 76, 108, 115, 129, 242, 245.

CH'IEN TA HSIN 錢大昕 (1728—1804), *Erh-shih-erh Shih K'ao I* 二十二史考異 (An Examination of the Differences in the Twenty-two Histories), in the Ch'ien Yen T'ang Ch'ien Shih 潛研堂錢氏 ed. of 1900: 102.

CREEL, H. G.,

The Birth of China, a Survey of the Formative Period of Chinese Civilization, London, Reynal and Hitchcock, 1936: 125, 133.

'On the Nature of Chinese Ideography', in *T'oung Pao*, 1936, vol. 32, nos. 2—3: 154.

DUYVENDAK, J. J. L.,

The Book of Lord Shang, the Introduction, London, Probsthain & Co., 1928: 4, 16, 24, 35, 40, 52, 67, 93, 143, 166, 170, 172, 189, 195—196, 220.

'The Chronology of Hsün-tzŭ', in *T'oung Pao*, 1928, vol. 24, no. 2: 12, 107.

'A Literary Renaissance in China', in the *Acta Orientalia*, vol. 1, 1923, pp. 285—317: 226.

ESCARRA, Jean, *Le Droit chinois*, Peiping, Henri Vetch, 1936: 170, 193.

FORKE, A, 'Das Chinesische Finanz- und Steuerwesen', in *Mitteilungen des Seminars für Oriental. Sprachen*, 1900: 174.

FRANKE, Otto, 'Zur Beurteilung des chinesischen Lehenwesens', in *Sitzungsberichte der preussischen Akademie der Wissenschaften*, no. 31, 1927, pp. 359—377: 133.

FUNG YU-LAN, *A History of Chinese Philosophy*, vol. 1, English translation by Derk Bodde, Peiping, Henri Vetch, 1937: 187, 193, 208, 217, 221.

GILES, H. A., *Gems of Chinese Literature*, London, Bernard Quaritch, 1st ed., 1884: 12.

GRANET, Marcel, *La Pensée chinoise*, Paris, La Renaissance du livre, 1934: 99, 226, 230.

GROTIUS, Hugo (1583—1645), *De Jure Belli ac Pacis,* selections translated into English with an introduction by W. S. M. Knight, London, Sweet and Maxwell, 1922: 227.

HALOUN, Gustav, 'Zur Üe-tsï-Frage', in *Zeitschrift der Deutschen Morgenländischen Gesellschaft,* vol. 91, no. 2, 1937, pp. 243—318: 109.

HU SHIH 胡適, *Ming Chiao* 名教 (The Cult of Names), in the *Hu Shih Wen Ts'un* 胡適文存 (Collected Writings of Hu Shih), 1928, third series, vol. 1, pp. 91 f.: 202.

IVANOV, A., *Materialy po Kitaskoi Filosofii, Vvedenie, Škola Fa* (Materials on Chinese Philosophy, Introduction, School of Fa), containing a translation of the *Han-fei-tzŭ,* St. Petersburg, 1912: 64.

JEN CH'AO-LIN 任兆麟 (second half 18th century), *Yu Chu Chü Chi* 有竹居集, *chüan* 16, vol. 8, in the Liang Kuang Chieh Shu K'o 兩廣節書刻 ed. of 1819: 158.

JUNG KENG 容庚, 'The Stone Inscriptions of Ch'in Shih-huang-ti' (in Chinese), in *Yenching Journal of Chinese Studies,* no. 17, (June, 1935), pp. 125—171: 91, 177—178.

KARLGREN, Bernhard,

Analytic Dictionary of Chinese and Sino-Japanese, Paris, P. Geuthner, 1923: 147.

'On the Authenticity and Nature of the Tso Chuan', *Göteborgs Högskolas Arsskrift* 32, 1926: 89, 92, 94, 98.

'On the Script of the Chou Dynasty', in *The Museum of Far Eastern Antiquities,* Bulletin no. 8 (1936): 154.

KU CHIEH-KANG 顧頡剛 and YANG HSIANG-KUEI 楊向奎, *San Huang K'ao* 三皇考 (The History of the 'Three Emperors' in Ancient China), in the *Yenching Journal of Chinese Studies,* monograph series no. 8, 1936: 129—130.

KU YEN-WU 顧炎武 (1613—1682), *Jih Chih Lu Chi-shih* 日知錄集釋, containing commentaries collected by Huang Ju-ch'eng 黃汝成, among them, that of Yao Nai 姚鼐 (1731—1815), *chüan* 22, *Chün-hsien* 郡縣 sect., Shanghai, Sao Yeh Shan Fang 掃葉山房 ed., 1924: 140, 142.

LI CH'ENG-CH'ÜAN 酈承銓, *Shuo-wen Chieh-tzŭ Hsü Chiang-su* 說文解字叙講疏, Shanghai, Commercial Press, 1935: 155.

LI LI 李笠, *Shih-chi Ting-pu* 史記訂補, in the Jui An Li Shih Heng Ching Shih K'o 瑞安李氏橫經室刻 ed., 1924: 40.

LIANG YÜ-SHENG 梁玉繩, *Shih-chi Chih-i* 史記志義 (introduction dated 1783), Kuang Ya 廣雅 book company ed. of 1887: 27, 61, 102, 104—105.

MA FEI-PAI 馬非百, *Ch'in Han Ching-chi Shih Tzŭ-liao* 秦漢經濟史資料 (Materials contributing toward the Economic History of the Ch'in and Han Dynasties), in *Shih Huo* 食貨 Fortnightly, vol. 2, nos. 8, 10; vol. 3, nos. 1, 2, 3, 8, 9: 6, 174.

MARGOULIÈS, Georges, *Le Kou-wen chinois,* Paris, P. Geuthner, 1925: 12.

MASPERO Henri,

La Chine antique, Paris, E. de Boccard, editor, 1927: 7.

'La Chronologie des rois de Ts'i au IVe siècle avant notre ère', in *T'oung Pao,* 1927, no. 5: 115.

Le Roman de Sou Ts'in', in *Etudes asiatiques publiées à l'occasion du 25e anniversaire de l'Ecole Française d'Extreme Orient,* in the *E. F. O.,* vol. 20: 242.

Review of J. J. L. Duyvendak, *The Book of Lord Shang,* in *Journal asiatique,* vol. 222, Fascicule annexe, Jan.—June, 1933: 8.

SHRYOCK, J. K., *The Origin and Development of the State Cult of Confucius,* New York and London, Century Co., 1932: 83.

TENG CHIH-CH'ENG 鄧之誠, *Chung-kuo Erh-ch'ien Nien Shih* 中國二千年史 (Two Thousand Years of Chinese History), vol. 1, *chüan* 1, Shanghai, Commercial Press, 2nd ed., 1935: 168—169.

TENG, Ssŭ-YÜ, and BIGGERSTAFF, Knight, *An Annotatated Bibliography of Selected Chinese Reference Works,* Peiping, Harvard-Yenching Institute, 1936: 165.

TSCHEPE, Albert, *Histoire du Royaume de Ts'in*, Shanghai, Variétés sinologiques no. 27, 1909: 12.

TS'UI SHIH 崔適, *Shih-chi T'an-yüan* 史記探源, Peking, National University of Peking lithographed ed., 1924: 43.

WANG KUO-WEI 王國維 (1877—1927),

Han-tai Ku-wen K'ao 漢代古文考 (An Examination of the *Ku-wen* of the Han Dynasty), in *Kuang Ts'ang Hsüeh Shu Ts'ung Shu* 廣倉學術叢書, *Chia lei* 甲類, first collection, vol. 5: 151—153.

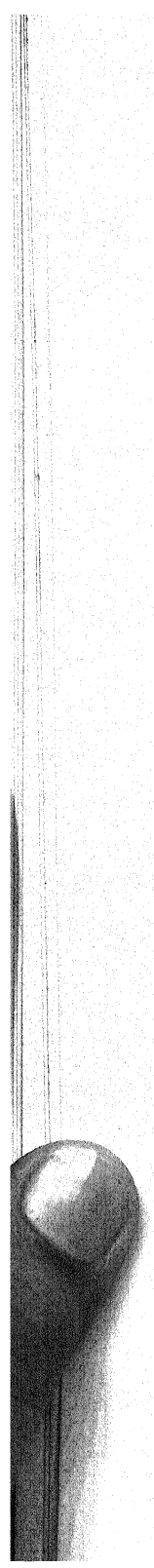
Shih Chou P'ien Su-cheng 史籀篇疏證, in the Wang Shih Kao 王氏稿 lithographed ed.: 151.

Ts'ang Chieh P'ien Ts'an-chien K'ao-shih 倉頡篇殘簡考釋, in *ibid.*: 159.

YAO NAI, commentary in *Jih Chih Lu Chi-shih*, see under KU YEN-WU.

YAO SHUN-CH'IN 姚舜欽, *Ch'in Han Che-hsüeh Shih* 秦漢哲學史 (A History of the Philosophy of the Ch'in and Han Dynasties), ch. 1, Shanghai, Commercial Press, 1936: 212.

INDEX



INDEX

For the titles and authors of all books or articles cited in the text, with the exception of works now lost, see the Bibliography.

A

Agreement with the Superior (*shang t'ung* 尚同), 185-189.

An 安, King of Han, 47, 63.

Analogy, argument by, 227-228, 232.

Ancient Script (*ku wen* 古文), 148-153, 155-157.

authoritarianism of Confucius, 182-185, 190.

of Hsün Tzŭ, 187-189, 190-191.

— Legalists, 189-191.

— Mo Tzŭ, 185-187, 190-191.

B

barbarians and Ch'in, 2, 6-7, 136.

characteristics of, 6.

Bentham, 208.

Burning of the Books, 11-12, 23-24, 76, 80-85, 87, 91, 121, 141, 144, 153, 157, 162-166, 182, 189, 194, 211, 215, 222, 240.

burying of the literati, 116-118.

C

Canal, Cheng Kuo's, 59-62, 86, 90-91.

cavalry, use of by Ch'in, 7.

chain-syllogism, 228-232.

Chang Ch'ang 張敞 (philologist), 158.

Chang Han 章邯 (general), 38.

Chang I 張儀 (travelling politician), 16.

Chang Liang 張良 (assassin), 87, 119.

Chang Meng-t'an 張孟談 (person), 101-202.

Chao, King of Ch'in, *see* Chao-hsiang, King of Ch'in.

Chao 趙 (state), 2, 4-5, 8, 17-19, 22, 50, 65-73, 75, 86-87, 106, 110, 128-129, 136, 138-140, 142, 180, 239-240, 244-245.

Chao-hsiang 昭襄, King of Ch'in, 6, 17, 129, 204.

Chao Kao 趙高 (eunuch), 25-36, 44-54, 84-85, 87-88, 91-98, 101, 111, 117-118, 131, 144, 148, 197, 223-224, 233.

Chao T'an 趙談 (person), 101-102.
Chao-ti 昭帝 (Han emperor), 107.
chen 朕 (form of address used by Ch'in Emperor), 44, 78, 93-94, 96-97, 111, 116.
Ch'en Sheng 陳勝 (rebel), 36, 38, 45, 87, 96, 173-174, 198.
Cheng 鄭 (state), 4, 19-20, 105, 193.
Ch'eng-kao 成皐 (region), 17.
Cheng Kuo 鄭國 (canal builder), 15, 59-62, 86, 90-91.
Ch'eng Mao 程邈 (inventor of a form of writing), 155.
Ch'eng-ti 成帝 (Han emperor), 157.
Ch'i 齊 (state), 2, 4, 17, 22, 47, 50, 65-66, 68-69, 78, 81, 106, 110, 112, 115, 127-128, 143, 158, 168.
and *chün*, 139, 141, 243, 256.
— Confucianism, 141.
— *hsien*, 136, 238-243, 246.
Chia I 賈誼 (writer), 6, 108.
Chiang 絳 (place), 104.
Chiang-nan 江南 (region), 19.
Chiao of Ch'ang-yü 長魚矯 (person), 103.
Chieh 桀 (tyrant), 27, 49, 75, 224, 226-227.
Chieh-shih 碣石 (mountain), 176-177.
Chien 簡, Duke of Ch'i, 47.
Chien Shu 蹇叔 (statesman), 16.
Chih-fou 之罘 (mountain), 176-177.
Chih-tao 軹道 (region), 54.
Chin 晉 (state), 2, 15, 31, 48, 104-105, 127, 136-139, 193, 223, 239-244.
Ch'in 秦 (state and dynasty), and barbarians, 2, 6-7, 136.
— *chün*, 141, 245-246.
— Confucianism, 9-10.
— feudalism, 3, 143-144.
— *hsien*, 136, 239-240.
— Legalists, 8, 141.
characteristics of, 8-9.
chronology of, 86-88.
coinage of, 171-172.
economic regulations of, 170-175.
geographical position of, 6-7.
laws of, 166-170, 173.
military organization of, 7-8.
music of, 4, 19-20.
Seal script of, 148, 150.
Ch'in Shih-huang-ti, *see* Shih-huang-ti.
Ching 景, Duke of Ch'i, 239.
Ching 涇 (river), 59.
Ching 荊 (state), 66-70, 78; *see also* Ch'u.
Ching K'o 荊軻 (assassin), 87, 119.
Ching-shih 京師 (place), 104.
Ching Su 荊蘇 (Ch'in envoy), 67-69.

Ch'ing-yüan 清原 (place), 104.
Chou 周 (dynasty), 1, 5, 6-7, 14, 17, 21-22, 26-27, 31, 41, 55, 70, 79, 81, 85-86, 98-99, 112-113, 125-129, 133-135, 141, 149-157, 162-163, 165, 172, 181, 192, 201, 212, 227, 236-237.
Chou 周, Duke of, 55.
Chou 周 (place), 104-105.
Chou 紂 (tyrant), 27, 31, 49, 75, 84, 223-224, 226-227.
Chou Ch'ing-ch'en 周青臣 (official), 22, 80-81.
Ch'u 楚 (state), 2, 4, 8, 12, 16-18, 36, 45, 50, 56, 66, 68, 75, 78, 86-87, 110, 127, 136-137, 139-140, 142, 239, 242, 244-245; *see also* Ching.
Ch'u Shao-sun 褚少孫 (scholar), 110.
Ch'ü Yüan 屈原 (poet), 108.
Chu-ch'eng 諸城 (town), 177.
Chuang 莊, King of Ch'u, 110.
Chuang-hsiang 莊襄, King of Ch'in, 13, 17, 56, 86, 131.
chün 郡 (commandery), 12, 135-136, 144-146, 153.
and Ch'i, 139, 141, 243, 246.
— Ch'in, 245-246.
characteristics of, 141-143.
chün (continued):
development of, 243-246.
origin of, 140.
size of, 141-142.
Chung 中 (mountain), 59.
coinage, Ch'in, 171-172.
commanderies and prefectures, 14, 22, 65, 78-79, 81, 122, 243; see also *chün*; *hsien*.
commandery, see *chün*.
Confucianism,
and authoritarianism, 182-185.
— Ch'i, 141.
— utilitarianism, 206-208.
attitude to agriculture and commerce, 210.
—— history, 212.
—— law, 197-198.
concept of *li* (rites), 193.
Confucius (K'ung Tzŭ 孔子), 1, 8, 10, 20, 27-28, 32, 40, 47, 75, 93, 114, 118, 127, 135, 148-150.
and law, 197.
— *li* (rites), 191.
— Rectification of Names, 201-202.
authoritarianism of, 182-185, 190.

D

Dialecticians, 202.
divination, 24, 83, 121, 211.

E

economic regulations of Ch'in, 170-175.
— — Han, 174-175.
education and *li* (rites), 191-192.
Hsün Tzŭ's theory of, 188, 191-192.
state control of, 211.
empire, concept of, 124-132.
— —, and Li Ssŭ, 124, 129-130, 235-237.
Erh-shih-huang-ti 二世皇帝 (Ch'in emperor), 34-36, 43-46, 49-54, 84-85, 87-88, 93, 95-97, 101, 111, 117, 130-131, 166, 169, 173, 176-178, 180, 190, 197, 206, 224; *see also* Hu-hai.
examination system, 146, 199.
expulsion of aliens, 12, 15, 20, 59-62, 77, 86, 90-91, 121, 129, 223, 225, 228.

F

Fan Chiang P'ien 凡將篇, 157.
Fan Sui 范雎 (travelling politician), 17, 67.
Fang-chang 方丈 (isle of Immortals), 115.
Feng Chieh 馮劫 (Ch'in official), 77.
feudalism, abolition of, 21, 78-79, 87, 121, 133-146, 162-163, 178, 182, 234, 238, 244.
and Ch'in, 3, 143-144.
characteristics of, 133-135, 183.
decay of, 1.
in Ch'ing dynasty, 146.
— Chou dynasty, 133-135.
— Han dynasty, 145-146.
Five Elements, school of, 87, 112-115.
Emperors, 21, 77-78, 81, 84, 126, 215.
Princes, 14.
punishments, 52, 55, 85, 88, 97, 168.
Fu Ch'a 夫差, King of Wu, 49, 224.
Fu-su 扶蘇 (Crown Prince of Ch'in), 25-26, 32-33, 87, 92-93, 111, 118, 223.

G

Great Astrologer 太史公 (Ssŭ-ma Ch'ien), 55.
Wall, 7, 25, 69, 87, 95, 120, 159, 173, 180.

H

Han 漢 (dynasty), 11, 29, 46, 52, 88-89, 93, 97-98, 108, 131, 148, 150-153, 155-157, 159-161, 163-166, 180, 187, 193, 199, 210, 222, 236-237, 241.

Han 韓 (state), 2, 4, 8, 15, 17, 22, 47-48, 50, 59-60, 62-65, 67-74, 86-87, 110, 119, 136, 139, 142, 239-240, 245.
Han Chi 韓玘 (official), 47.
Han-chung 漢中 (region), 16.
Han Fei Tzŭ 韓非子 (philosopher), 10-11, 24, 35-36, 39-40, 42-43, 57, 62-64, 66, 68, 73-74, 76-77, 86, 96-97, 163, 168, 189-190, 193-194, 197, 200, 205, 209, 227, 233, 235.
Han T'an 韓談 (eunuch), 54, 101-102.
Han-tan 邯鄲 (place), 128, 245.
Historian Chou, 147-151; see also *Shih Chou P'ien.*
historical precedent, argument by, 223-227, 232.
history and determinism, 236. [225.
Chinese attitude toward, 166, 224-
Hsün Tzŭ's concept of, 212-214.
Legalist concept of, 211-215.
Ho 貉 (barbarians), 123, 179.
Ho 和 (treasure), 18.
Hsi Chung 奚仲 (wheelwright), 194.
Hsi-ho 西河 (region), 142, 245.
Hsia 夏 (dynasty), 21, 49, 81.
Hsia-tu 下杜 (place), 154-155.
Hsiang 襄, Duke of Ch'in, 6, 16.
Hsiang 象 (music), 19-20.
Hsiang Liang 項梁 (rebel), 51-52.
Hsiang Yü 項羽 (rebel), 33, 52, 54.
Hsiao 孝, Duke of Ch'in, 14, 16, 163, 196-197.
Hsiao 孝, King of Chou, 136.
Hsiao 殽 (pass), 68.
hsiao chuan, see Small Seal.
Hsiao Ho 蕭何 (jurist), 169.
Hsiao-wen 孝文, King of Ch'in, 70.
hsien 縣 (prefecture), 135, 140-145, 153.
and Ch'i, 136, 238-243, 246.
— Ch'in, 136.
characteristics of, 137-139.
development of, 238-240.
origin of, 136-137.
size of, 137.
Hsien-li 纖離 (horse), 18.
Hsien-yang 咸陽 (Ch'in capital), 22, 24, 26, 28, 33, 35, 49, 54, 59, 79-80, 85, 116-117, 122-123, 143, 153, 163, 178.
Hsü Kuang 徐廣 (commentator), 18, 56, 171.
Hsü Shih 徐市 (magician), 115.
Hsü T'ung 胥童 (person), 103.
Hsüan 宣, King of Ch'i, 115, 239.
Hsüan 宣, King of Chou, 147-148, 150-152.
Hsüan-ti 宣帝 (Han emperor), 158.

Hsün Ch'ing 荀卿, 12-13, 25, 64, 106, 129, 200; *see also* Hsün Tzŭ.
Hsün Ku 訓故, 158.
Hsün Tsuan P'ien 訓纂篇, 158.
Hsün Tzŭ 荀子 (philosopher), 3, 8, 10, 12-13, 25, 56-58, 64, 86, 90-91, 102, 106, 121, 129, 144, 200, 220, 235.
and Agreement with the Superior, 187-188.
— evilness of human nature, 58, [188, 192, 195-196.
— law, 198.
— *li* (rites), 192.
— Rectification of Names, 202.
— theory of education, 58, 188, 191-192. [191.
authoritarianism of, 187-189, 190-
concept of history of, 212-214. [180.
Hu 胡 (barbarians), 6, 50, 123, 179-
Hu-hai 胡亥 (son of Shih-huang), 26-30, 32-34, 44, 87, 91-92, 94, 98, 111, 118, 144, 180, 223; *see also* Erh-shih-huang-ti.
Hu-k'ou 瓠口 (place), 59.
Hu-mu Ching 胡毋敬 (author), 148, 150, 155.
Hua 華 (mountain), 85.
Hua Yang 華陽 (nobleman), 17.
Huai-pei 淮北 (region), 140, 142, 244.
Huan 桓, Duke of Ch'i, 14, 31, 223.
huang 皇, meaning of, 130-132; see also *ti*.
huang ti 皇帝 (title), 124, 131-132; *see also* Yellow Emperor.
Hui 惠, King of Ch'in, *see* Hui-wen, King of Ch'in.
Hui 惠, King of Liang, 127, 207.
Hui-po T'an 惠伯談 (person), 102-103, 105-106.
Hui-wen 惠文, King of Ch'in, 16, 18.
human nature, Hsün Tzŭ's theory of, 58, 188, 192, 195-196.
—, Mencius's theory of, 192, 228.
Hung-men 鴻門 (place), 36.

I

I 夷 (barbarians), 2, 16, 24, 80, 172.
I 嶧 (mountain), 176-178.
i 義 (proper relationships), meaning of, 3.
immortality, search for, 32, 87, 114-116, 119-120.
inscriptions, imperial, 84, 175-178.
iron, use of in China, 170.

J

Jang 穰, Marquis of, 17.
Japan, 116, 146.

ju 儒 (literati), 10, 81, 117; *see also* literati.
Jung 戎 (barbarians), 3, 6, 15-16, 105.

K

Kan-ch'üan 甘泉 (place), 46.
Kao 高 (Prince of Ch'in), 35, 96.
ku wen, see Ancient Script. [241.
Kuan Chung 管仲 (statesman), 233,
Kuan Lung-feng 關龍逢 (ancient worthy), 49, 75, 99, 224. [106.
K'uang, music master 師曠, 105-
Kuei-chi 會稽 (mountain), 25, 37, 176-177, 245.
K'un 昆 (mountains), 18.
K'ung Ch'iu 孔丘, 214; *see also* Confucius. [15.
Kung-sun Chih 公孫支 (official),
Kung-sun Lung 公孫龍 (philosopher), 106.

L

la 臘 (sacrifice), 4.
Lan-ling 蘭陵 (place), 57, 86.
Lang-ya 琅邪 (place), 25, 176-177, 245.
language, Chinese, characteristics of, 173, 225-226, 230-232.
Lao Ai 嫪毐, intrigues of, 61-62, 86. [219.
Lao Tzŭ 老子 (philosopher), 216-
Large Seal (*ta chuan* 大篆) script, 147-154, 156.
law and Confucius, 197-198.
development of, 193.
government by, 1.
in China and the West, 199.
Legalist concept of, 193-197.
of Ch'in, 166-170, 173.
— Han, 169-170.
Legalism and Ch'in, 8, 141.
— Rectification of Names, 202-203.
— *shih* (power), 189-190.
— *shu* (methods), 200-201, 204-206.
— Taoism, 216-222.
— *wu wei* (non-activity), 217-218.
attitude to agriculture and commerce, 60, 171, 210.
— — knowledge and culture, 210, 219-222.
authoritarianism of, 189-191.
concept of history of, 211-215.
— — law of, 193-197.
economic policies of, 171, 210, 219.
system of rewards and punishments, 203-204, 209.
utilitarianism of, 208-211.
Li 厲, Duke of Chin, 103-104.
Li 麗 (mountain), 36, 38, 120.
Li 櫟 (place), 105.

li 禮 (rites), Confucian concept of, 191-192, 197-198.
meaning of, 3. [159-160.
Li 隸 (script), 148-150, 154-157,
Li Ch'ang 李長 (author), 157.
Li Ssŭ 李斯,
and abolition of feudalism, 78-79, 87, 121, 134-136, 144-145, 163, 234, 238.
— authoritarianism, 190.
— Burning of the Books, 10, 12, 23-24, 76, 80-85, 87, 91, 121, 157, 162, 189, 191, 194, 211, 222, 240.
— Chao Kao, 28-32.
— Ch'in, 10-11.
— economic regulations, 173.
— empire, concpt of, 124, 129-130,
— Erh-shih, 36-43. [235-237.
— expulsion of aliens, 12, 15-21, 59, 77, 86, 121, 129, 223, 225, 228.
— Han Fei Tzŭ, 62-77, 86, 233.
— Hsün Tzŭ, 12-13, 25, 57-58, 86, 90-91, 189.
— imperial inscriptions, 175-178.
— King of Han, 69-72.
— law, 169, 197. [205-206.
— methods (*shu*), 12, 96, 200-201,
Li Ssŭ (continued):
— names and actualities, 204-205.
— rats, the, 12, 90.
— Shang Yang, 235.
— supervising and holding responsible, 38-42, 87, 96-97, 99, 169, 205-206, 227-229, 231-232.
— *ti*, 129-130. [78, 205.
— title of Ch'in Shih-huang, 77-
— unification of writing, 24, 51, 147-150, 153-154, 157, 159-161.
— utilitarianism, 211.
— *wu wei* (non-activity), 13, 218.
achievements of, 100, 121-123, 234-236.
becomes Alien Minister, 15, 59.
— Grand Councillor, 21-22, 80, 87.
— Minister of Justice, 21, 77, 86.
— Senior Scribe, 14, 59, 86.
biography of, 12-55, 89-111.
birth of, 56-57.
character of, 121, 233-234.
chronology of, 86-88.
death of, 11, 52, 85, 88, 100.
feast of, 24-25.
imprisonment of, 48-49, 97.
prison memorial of, 50-51, 100, 123.
reasoning of, 223-232.
visit to Han, 68-69, 73-74, 86.

Li T'an 李談 (person), 101-102.
Li Yu 李由 (son of Li Ssŭ), 24, 38, 45-46, 50, 52, 87, 100.
Liang 梁 (mountain), 117.
Liang 梁 (state), 75; *see also* Wei (divided from Chin in 403 B.C.).
Lin-tse 臨菑 (city), 239.
Ling 靈, Duke of Ch'i, 238-239.
literati, 10, 116-118, 163; see also *ju*.
Liu T'an 劉談, Marquis of Yung 庸, 102.
Lo 洛 (river), 59.
Lo Chen-yü 羅振玉 (scholar), 154.
Lord Protector, 10, 13-14, 16, 135; see also *Pa*.
Shang, *see* Shang Yang.
Lou Chi 樓季 (a wall climber), 41.
Lu 魯 (state), 141.
Lu Chung-lien 魯仲連 (statesman), 108.
Lu-erh 騄耳 (horse), 85.
Lü Pu-wei 呂不韋 (Ch'in statesman), 10-11, 13, 55, 58-59, 61-62, 70, 86, 121, 137-138, 143.
Lü T'an 呂談, Marquis of Hsin-yang 新陽, 102.
Lung-men 龍門 (place), 37.

M

Man 蠻 (barbarians), 80.
Mencius (Meng Tzŭ 孟子), 2, 106, 126, 133-134, 149, 162.
Mencius (continued):
and goodness of human nature, 192.
— *li* (rites), 192.
— Rectification of Names, 202.
— right of revolution, 185.
— utilitarianism, 207.
Meng 孟 (comedian), 103, 110.
Meng I 蒙毅 (Ch'in statesman), 33-35, 95.
Meng T'ien 蒙恬 (Ch'in general), 25-26, 29, 32-34, 69, 87, 93, 95, 99, 118, 180.
Meng Wu 蒙武 (Ch'in general), 69.
methods, Legalist, 38, 41-43, 96; see also *shu*.
Mo Ti 墨翟, 108, 214; *see also* Mo Tzŭ.
Mo Tzŭ 墨子 (philosopher), 32, 106, 108, 214-215.
and Agreement with the Superior, 185-187.
authoritarianism of, 185-187, 190-191.
universal love of, 187, 207.
utilitarianism of, 207-208.
Mohists, attitude to history, 212.
Later, 202, 208.
utilitarianism of, 208-209.
Mu 穆, Duke of Ch'in, 6, 13-16.
Music 樂, Book of, 149.
of Ch'in, 4, 19-20.

N

names and actualities (shih 實), 18, 201-206.
rectification of (*cheng ming* 正名), [201-203.
nine rivers, 37.

O

O 阿 (clothing of), 19. [120.
O-pang 阿房 (palace), 36, 45, 49, 96,

P

Pa 霸, 10, 14, 135; *see also* Lord Protector.
Pa 巴 (region), 16, 246.
P'ei 沛, Duke of (founder of Han dynasty), 52, 54.
P'ei Pao 丕豹 (statesman), 15,
P'eng-lai 蓬萊 (isle of Immortals), 115.
Pi Kan 比干 (ancient worthy), 31, 49, 75, 99, 224.
Po Hsüeh 博學, 148-150.
Po-li Hsi 百里奚 (statesman), 15.
power, Legalist concept of, see *shih*.
prefecture, see *hsien*.
p'u 樸 (Simplicity), 220-221.

R

reasoning, Chinese, 223-228, 232.
of Li Ssŭ, 223-232.
rewards and punishments, 196, 203-[204, 209.
right of revolution, 185.
roads, imperial, 36, 51, 123, 173, 179.
Robber Chih 盜跖, 40.

S

San-ch'uan 三川 (region), 16, 24, 38, 45-46, 51, 245.
Sang-chien 桑間 (music), 19-20.
scholars of wide learning (*po shih* 博士), 22, 78, 80-81, 83, 119, 164.
sculpture, Chinese, 178.
Seal script, *see* Large Seal; Small Seal; Ch'in Seal; Ancient Script.
Seven Kings, revolt of, 145.
States, 149. [242.
seventy-two, mystical significance of,
Sha-ch'iu 沙丘 (place), 26, 34, 45.
Shang 上, commandery of, 16, 25, 33, 118, 246.
Shang 商 (dynasty), 21, 27, 31, 81, 84, 124-125, 133, 152, 154, 156; *see also* Yin.
Shang-lin 上林 (place), 53.
Shang-tang 上黨 (region), 141, 245.
shang ti 上帝 (God), 53, 125-126; see also *ti*.
Shang-ts'ai 上蔡 (birthplace of Li Ssŭ), 12, 25, 30, 52, 55-57, 86.

Shang Yang 商鞅 (Ch'in statesman), 4-5, 8, 11, 16, 35, 153, 163, 196-197, 204.
and *hsien* (prefecture), 143, 239.
— Li Ssŭ, 235.
economic regulations of, 170-171.
laws of, 40, 42, 166-168, 197.
Shao 召, Duke of, 55.
Shao 昭 or 韶 (music), 19-20.
Shen Pu-hai 申不害 (philosopher), 39, 42-43, 96, 201, 227. [190.
Shen Tao 愼到 (philosopher), 106,
shih 勢 (power), Legalist concept of, 189-190.
Shih Chou P'ien 史籀篇, 147-148, 150-152, 157.
Shih-huang-ti 始皇帝 (first Ch'in emperor),
attempted assassinations of, 87, 119.
character of, 112-121.
death of, 26-28, 87, 91, 116, 120.
inscriptions of, 175-178.
megalomania of, 119-120.
search for immortality of, 87, 115-116, 119-120, 216.
superstitions of, 112-121, 179-180.
title of, 34, 77-78, 87, 120, 124, 129-131, 205.
shu 術 (methods), and Li Ssŭ, 12, 205-206.
shu (continued):
Legalist concept of, 200-201, 204-206.
Shu 蜀 (region), 16, 19, 142, 245-246.
Shun 舜 (sage emperor), 20-21, 126, 128, 130, 212, 215.
Shun-yü K'un 淳于髡 (sophist), 106, 110, 242.
Shun-yü Yüeh 淳于越 (Confucian), 12, 22, 81, 141.
Simplicity, see *p'u*.
Six Classics, 149, 158.
Disciplines, 55, 158.
High Dignitaries, 22, 81.
States, 2, 12, 14, 17, 36, 50, 123.
Small Seal (*hsiao chuan* 小篆) script, 148-151, 153-159, 177.
sorites, see chain-syllogism.
Ssŭ-ma Hsiang-ju 司馬相如 (author), 102, 108, 157.
Ssŭ-ma T'an 司馬談 (father of Ssŭ-ma Ch'ien), 101.
Su Ch'in 蘇秦 (travelling politican), 239, 242.
Sui 隨 (treasure), 18-19.
Sung 宋 (state), 16, 47, 70, 107, 128.
supervising and holding responsible (*tu tse* 督責), 38-43, 87, 96-97, 99, 169, 205-206, 227-229, 231-232.

T

ta chuan, see Large Seal.
Ta-hsia 大夏 (region), 37.
Tai 代 (state), 75.
T'ai-o 太阿 (sword), 18.
T'ai Shan 泰山 (mountain), 20, 41, 176-177, 228.
Tan 旃 (comedian), 110.
t'an 談 (word used as name), 101-103, 106, 110-111.
T'ang 湯 (ruler), 21, 27.
Tao 悼, Duke of Chin, 102-106.
Tao 道 (the Way),
of Hsün Tzŭ, 88.
— Taoists, 114, 116, 216-217.
Taoism and immortality, 114-116, 216.
— Legalism, 216-222.
attitude to knowledge and culture, 218-219.
—— history, 212.
concept of *wu wei* (non-activity), origin of, 114. [217.
philosophy of, 216-221.
taxes of Ch'in, 172-173.
— Han, 174-175.
te 德 (power, efficacy), meaning of, 183-184, 190.
Three Dynasties, 81, 215.
High Dignitaries, 38, 55.
Kings, 21, 84.
Ti 狄 (barbarians), 2-3, 172.
ti 帝 (title), and Li Ssŭ, 129-130.
meaning of, 13, 124-132; see also *huang; shang ti*.
T'ien Ch'ang 田常 (usurper), 22, 47-48, 83.
T'ien P'ien 田駢 (philosopher), 106.
T'ien Tan 田單 (statesman), 108.
tours, imperial, 24, 32, 51, 84, 175.
traditional authority, argument by, 227, 232.
True Man (*chen jen* 真人), 94-95, 114, 116, 119.
Tsai Yü 宰予 (official), 47.
Ts'ang Chieh P'ien 蒼頡篇, 148-151, 157-159.
Tseng Shen 曾參 (Confucian), 75.
Tso Ch'iu-ming 左丘明 (author), 149. [107-108.
Tsou Yang 鄒陽 (statesman), 102,
Tsou Yen 騶衍 (philosopher), 106, 112, 115.
Tsu I 祖伊 (ancient worthy), 109.
Tu 杜 (place), 35.
Tu Lin 杜林 (commentator), 158.
Tu Ts'ang 杜倉 (official), 70.
Tuan Yü-ts'ai 段玉裁 (scholar), Tun-huang 敦煌 (place), 159. [155.
Tung Chung-shu 董仲舒 (Confucianist), 171-175.

Tzŭ Han 子罕 (usurper), 47, 108.
Tzŭ-ying 子嬰 (Ch'in ruler), 54, 88, 101, 131.

U

unification of China (221 B.C.), 5, 10, 21, 77-79, 87, 91, 124, 157, 169, 190, 215, 234. [162.
— writing, 24, 51, 79, 122-123, 147-
universe, Chinese view of, 99-100.
utilitarianism and Confucians, 206-
— Legalists, 208-211. [208.
— Li Ssŭ, 211.
— Mo Tzŭ, 207-208.
— Mohists, 208-209.

W

Wang-i 望夷 (place), 53.
Wang Kuan 王綰 (official), 77-78.
Wang Li 王離 (Ch'in general), 33.
Wang Mang 王莽 (Han usurper), 174-175.
Warring States (*chan kuo* 戰國), 2, 113, 127, 139, 141, 162, 167, 182, 212, 238.
wars, casualties from, 4-6.
Way of the Emperor (*ti tao* 帝道), 43, 130, 206. [206.
—— King (*wang tao* 王道), 42,
Wei 威, King of Ch'i, 115, 127, 239, 242.
Wei 衛 (state), 4, 19-20, 27-28.
Wei 魏 (state divided from Chin in 403 B. C.), 2-4, 8, 16-17, 22, 50, 65-67, 69-71, 75, 86-87, 110, 127, 135-136, 139-142, 180, 239-240, 245.
Wen 文, King of Chou, 20-21, 79, 134.
Wen-hsin 文信, Marquis of, 13, 55, 58; *see also* Lü Pu-wei.
Wu 武, King of Ch'in, 8.
Wu 武, King of Chou, 20-21, 27, 79, 134.
Wu 武 (music), 19-20.
Wu 武 (pass), 54.
Wu 吳 (state), 75-76, 240.
Wu Kuang 吳廣 (rebel), 36, 38, 87, 96, 173-174, 198.
Wu-ling 武靈, King of Chao, 244.
Wu-ti 武帝 (Han emperor), 29, 146, 148, 150, 157, 172, 174.
Wu Tzŭ-hsü 伍子胥 (official), 49, 75, 99, 224.
wu wei 無爲 (non-activity), 13.
and Legalism, 217-218.
— Li Ssŭ, 218.
— Taoism, 217.

Y

Yang-chou 陽周 (city), 33.
Yang Hsiung 楊雄 (author), 108, 158.
Yang Liang 楊倞 (commentator), 213.
Yao 堯 (sage emperor), 21, 36-37, 39, 96, 126, 128, 130, 189, 194, 212, 215.
Yao Chia 姚賈 (plotter), 63, 74-76.
Yellow Emperor (Huang Ti 黃帝), 14, 21, 126, 148.
river, 20, 113, 228.
Yen 鄢 (city), 17.
Yen 燕 (state), 2, 8, 17, 50, 75, 78, 87, 115, 119, 128, 136-137, 140, 180, 240, 242-243, 245.
Yen Ying 晏嬰 (statesman), 239, 241.
Yen Yo 閻樂 (son-in-law of Chao Kao), 53-54.
Yin 殷 (dynasty), 22, 40, 81, 124, 152, 156; *see also* Shang.
Ying 郢 (city), 17.
Ying-chou 瀛州 (isle of Immortals), 115.
Yü 禹 (sage emperor), 21, 37, 39, 96, 212.
Yü 虞, 19-20; *see also* Shun.
Yu Yü 由余 (statesman), 16.
Yüan 宛 (hairpins of), 19.
Yüan 宛 (town), 15.
Yüan Li 爰歷, 148-150.
Yüan Shang P'ien 元尙篇, 157.
Yüan-ti 元帝 (Han emperor), 157.
Yüeh 越 (barbarians), 50, 123, 179.
Yüeh 越 (state), 49, 76, 240.
Yün-yang 雲陽 (place), 63, 77.